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KENTUCKY

COURT of JUSTICE

1980-1982 REPORT

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Submitted herewith is a report of the business of the Kentucky Court of Justice, prepared in accordance with the provisions of KRS 27A. 020. Due to funding restrictions and a change in format, this report covers two fiscal years, 1980-81 and 1981-82.

In addition to a report of the general business of the courts and relative statistical information, special emphasis has been placed on those programs and projects which have been improved, expanded or otherwise enhanced. Included are sections dealing with regional administration, revision of the Kentucky Rules of Criminal Procedure, cameras in the courtroom, expansion of the courts' data processing capabilities, and the economical litigation project.

The delivery of justice is dependent not only upon the judges and juries who serve the public so impartially, but also upon the circuit clerks and other court-support personnel who perform their duties with diligence and dedication.

Without their contributions, this report would not have been possible.

DEDICATION

For 23 years, Chief Justice John S. Palmore has served on Kentucky's court of last resort.

He was a member of the former Court of Appeals, which became the Supreme Court in January 1976 as a result of the passage of a constitutional amendment which completely revised the Judicial Article of the Kentucky Constitution. During his 17 years on the former Court of Appeals, the office of Chief Justice was rotated among the justices on an annual basis, and he held that office for the years 1966 and 1973. Justice Palmore was elected Chief Justice of the Supreme Court in 1977 and served in that capacity through 1982.

Among the major provisions of the judicial amendment creating a unified judicial system was one giving the Chief Justice executive authority over the entire Court of Justice. Administration of the courts became one of the most arduous responsibilities of the office, especially during a period when there was some resistance to the implementation of the new courts, and local and statewide elected officials had to be dealt with almost daily.

Preparation for and organization of the District Court, the new state court of limited jurisdiction, took place during the first year after Chief Justice Palmore assumed leadership of the Court of Justice. Under his guidance, this dramatic change in Kentucky's judicial system was accomplished with optimal success, dispatching prevalent fears that the new court would not be effective.

Chief Justice
John Stanley Palmore, Jr.
Supreme Court of Kentucky

1959-1982

Aside from the personal achievements of a man who has dedicated his professional life to the law, there are those realized during his tenure as Chief Justice which must be noted here.

Working in concert with the General Assembly, Justice Palmore secured legislation to compensate local governments for the use of court facilities and to encourage courthouse renovation and capital construction. As a result of his efforts, the legislature adopted measures allowing 12 new trial judges for the state court system, and enacted laws providing for judicial salary increases.

The Kentucky Rules of Civil Procedure, Rules of Criminal Procedure, and Supreme Court Rules were amended on a large scale during the course of Chief Justice Palmore's last five years in office to conform to the needs of the changing system. The greatest impact on the rules resulted from the recommendations of the Criminal Rules Committee which worked for two years to revise the full body of criminal rules. After conducting public hearings on the recommendations, the Supreme Court adopted amendments making massive revisions to the Rules of Criminal Procedure.

The adoption of an amendment to the Supreme Court Rules in 1981 permitted the use of electronic equipment in Kentucky courtrooms. For many years an advocate of opening court proceedings to the public through such means, Chief Justice Palmore succeeded in his determination to secure the rules change. Although the rule provides for judicial discretion as to whether to allow camera coverage of trials and hearings, many of the state's judges who initially opposed the concept have found that problems are virtually non-existent.

In pursuit of his promise to reduce court delay and diminish the cost of civil litigation, Chief Justice Palmore established an Economical Litigation Program which, after a one-year pilot project in one judicial circuit, has been expanded to two additional jurisdictions within the state. The "fast-track" docketing procedures and promulgation of local rules to speed up the step procedures have proven to be effective in meeting the objectives of the program, and will in all likelihood be adopted in other judicial circuits in the near future.

While fulfilling the day to day administrative responsibilities of his office, Chief Justice Palmore has continued to meet his obligation as an appellate judge by writing opinions regularly. Several of those recent opinions have been recognized as landmark decisions of the Supreme Court.

A legal career spanning 43 years cannot be summarized on these pages, so it is for that reason we have highlighted only a few of his accomplishments as Chief Justice. It is with deep regard for all he has given and for the strength of his convictions that we dedicate this 1980-82 Report of the Court of Justice to John Stanley Palmore, Jr., former Chief Justice of the Supreme Court of Kentucky.

IN MEMORIAM

Justice Robert Owen Lukowsky
Supreme Court of Kentucky

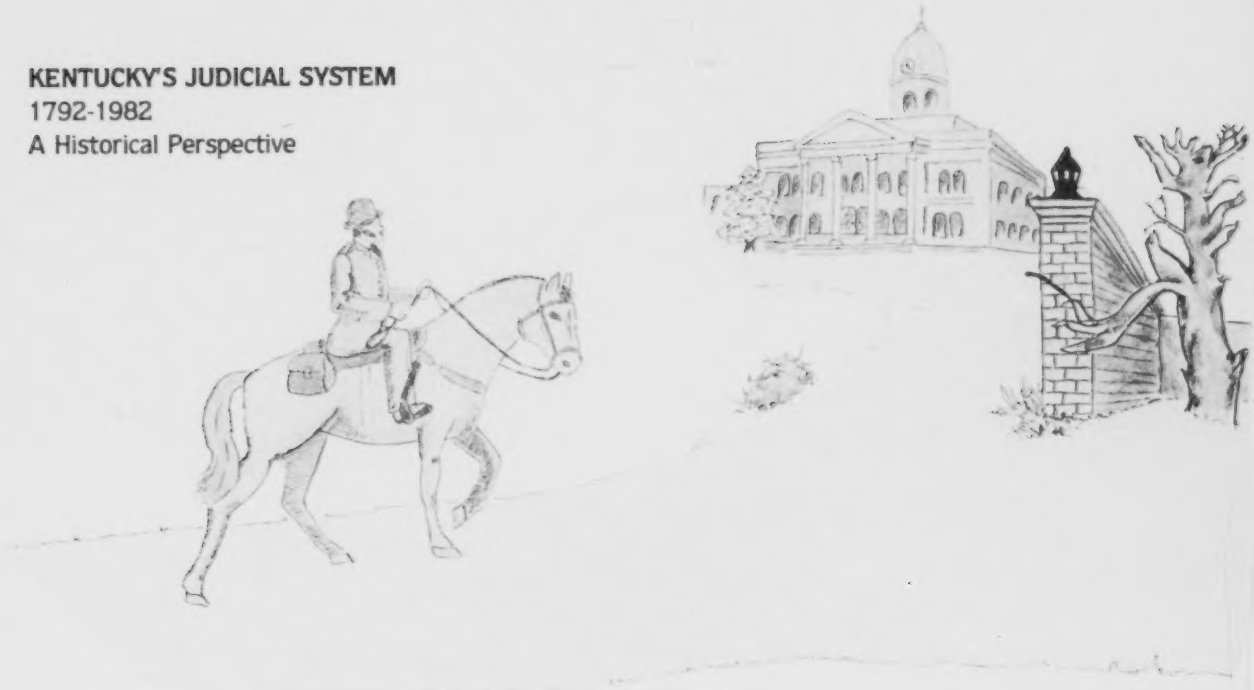
Justice Robert Owen Lukowsky, Sixth Kentucky Supreme Court District, died of cancer on December 5, 1981, at Good Samaritan Hospital in Cincinnati. He was 54.

A native of Covington, who in recent years made his home in Ft. Mitchell, Justice Lukowsky received his Juris Doctorate from the University of Cincinnati and an LL.D. from Salmon P. Chase School of Law, Northern Kentucky University, where he was an adjunct professor. During his judicial career, he served as judge pro tem for the Kenton County courts, as circuit judge, and ran unopposed for the former Court of Appeals in 1974. With the passage of the Judicial Article in 1976, he was elevated to the newly created state Supreme Court.

Justice Lukowsky was a member of numerous professional organizations and served as a guest lecturer at the judicial conferences of over 20 states and Washington, D.C., as well as for several national and state bar associations. In addition, he served on the Kentucky Crime Commission, the Advisory Committee for Criminal Law Revision, the Civil Rules Advisory Committee, and as a member of the faculty of the National Judicial College in Reno, Nevada. He was a lieutenant colonel with the Army Corps of Engineers during World War II and with the Air Force JAGD during the Korean conflict.

Friends and colleagues knew him to be a highly knowledgeable and enlightened jurist, respected for his firm conviction that the law should be understandable and accessible to all, whether lawyer or layman. This spirit may have been best discribed in the words of his wife Rosemary, "He loved the law. His total life was the law."

KENTUCKY'S JUDICIAL SYSTEM
1792-1982
A Historical Perspective



At the general election in November 1975, the electorate of Kentucky gave its consent to a new direction for the court system of the Commonwealth by adopting a constitutional amendment, to revise the judicial article. Under the constitutional amendment the previously fragmented system with its large number of part-time, non-lawyer judges and overlapping jurisdictions was replaced by a unified Court of Justice.

Kentucky's first Constitution was adopted at Danville in April 1792, when Congress granted statehood. The judicial article of the 1792 Constitution was patterned after that of Virginia, in order to provide an orderly transition and transfer of cases pending in Virginia courts. The judicial power of the Commonwealth was vested in one supreme court, known as the Court of Appeals, and such inferior courts as deemed necessary by the legislature. A "competent number" of justices of the peace were mandated to be appointed in each county. All judges were appointed by the Governor and could be removed for reasonable cause by the process of impeachment or by address of the Governor to two-thirds of each House of the General Assembly.

The Court of Appeals consisted of three judges appointed state-at-large to serve "during good behavior." Two judges constituted a court and the court met twice a year at Lexington. The Court of Appeals had original and final jurisdiction in all cases relating to titles of land under the laws governing Virginia at that time, and those cases were tried by jury unless waived by both parties. No appeals from inferior courts were granted unless addressed by petition and issuance of certiorari.

Each judge of the Court of Appeals was instructed by the Constitution to deliver his opinion in open court and in writing; the parties were obliged to state their complaint and defense in writing; and dissenting opinions were required to be in writing. All these provisions were designed to "perpetuate the testimony." The court also had the power to direct the mode of bringing these land cases to a hearing, "so as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow."

In all other cases, the Court of Appeals had appellate jurisdiction only, with the legislature granted broad powers to make exceptions and regulations. The court had legislative authority to appoint its clerk.

Pursuant to constitutional provisions empowering the legislature to establish inferior courts, an act was passed during the first session of the General Assembly which provided for appointment of 125 justices of the peace to serve as judicial officers. In the 13 existing counties a Court of Quarter-Sessions was established in each county, and three of the justices of the peace in each county served on the court. Its jurisdiction was primarily civil, but it had the power to award necessary writs and injunctions. County court was created and presided over by three justices, and its jurisdiction was largely administrative in nature. All criminal jurisdiction was vested in a Court of Oyer and Terminer, which was presided over by three judges who had state-wide jurisdiction.

An act of 1795 reorganized the first trial court structure by terminating the original jurisdiction of the Court of Appeals in land cases and abolishing the Court of Oyer and Terminer. It was replaced by a system of District Courts of general civil and criminal jurisdiction, with all criminal cases heard by the Franklin District Court. In order to unify the District Courts to some extent, a General Court was established and instructed to meet periodically at Frankfort to decide cases "for and in behalf of the Commonwealth."

A convention was called in 1799 and a new Constitution was adopted in August of that year. The new document retained most of the provisions of the previous judicial article, but gave constitutional status to the county courts which had been created by the legislature.

In addition, the Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, under restrictions and regulations prescribed by law. Judges of the Court of Appeals were appointed by the Governor, and could be removed for good cause by impeachment or by the Governor on address of two-thirds of each House of the General Assembly. Judges and justices of the peace, by virtue of their office, were "conservators of the peace throughout the state."

County courts were composed of the justices of the peace presiding in each county. County court was given constitutional authority to recommend, with the concurrence of a majority of its justices of the peace, two persons to fill the offices of sheriff, surveyor, coroner or justice of the peace, one of whom was appointed by the Governor. Each court could appoint its own clerk; however, no person could be appointed who could not produce to the judges of the Court of Appeals, that he had been examined by their clerk and found qualified. Clerks of court could be removed for breach of good behavior by the members of the Court of Appeals only who "shall be judges of the fact as well as of the law" and two-thirds of whom shall have concurred in the sentence.

Until 1802, no changes were made in the general trial court structure that had been authorized by the legislature during the tenure of the first constitution. However, realizing that the District Court system could no longer effectively handle the increasing caseload, the General Assembly reorganized the trial courts into a system of Circuit Courts. The District Courts were abolished and the old General Court was abolished and re-enacted. Nine state-at-large circuit judges were appointed to serve in each of the nine judicial districts. General Court assigned each of its members to a district to serve as presiding judge and two assistant judges were appointed from that district.

In 1824, the legislature attempted to abolish the Court of Appeals. A controversy characterized as the "Old Court-New Court Struggle" arose, and the General Assembly enacted legislation to abolish the Court of Appeals and establish an appellate court of its own. "An Act to reorganize the Court of Appeals" was passed and signed by the Governor, who appointed judges sympathetic to his beliefs. The "old court" refused to recognize the "new court," and for a period of two years both courts held sessions. In 1826, a new legislature was elected which repealed the "Act to reorganize the Court of Appeals" and passed "An Act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," thus reinstating the constitutional court.

The third Constitution of Kentucky was adopted in June 1850. A total reorganization of the judicial department was undertaken, and courts which had previously been created by acts of the legislature were given constitutional authority. This

document preserved the separation of powers of the three departments of government and provided Kentucky with its first structured court system. The judicial power of the Commonwealth was vested in the Court of Appeals, circuit courts, county courts, and such other inferior courts as the General Assembly should establish and erect.

The Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, restricted and regulated by law. The court consisted of four judges, any three of whom could constitute a court for the transaction of business. The 1850 Constitution mandated, for the first time in the history of the Commonwealth, election of judges rather than appointment. Judges were elected for a term of eight years from four equally divided judicial districts. Because all of the judges were initially elected at the same time, and in order to stagger their terms, one term was two years, one four years, one six years and on eight years. The judges elected then drew lots to determine which judge served which term. The judge having the shortest time to serve was designated as the Chief Justice of Kentucky.

The Court of Appeals was to hold its sessions at the seat of government, except that the General Assembly could direct that the court hold its sessions in any one or more of the judicial districts.

The office of Clerk of the Court of Appeals was established as an elective office, for a term of eight years. The 1850 Constitution further provided that if the General Assembly should determine that court should be held in any one of the judicial districts, that the voters of that district would elect a clerk possessing the same qualifications as the Clerk of the Court of Appeals. Any candidate for the office had to produce a certificate from a judge of the Court of Appeals or a judge of the Circuit Court that he had been examined by the court and was qualified for the office.

The General Assembly could also provide for a special judge to constitute a court in the event of disqualification of any of the elected judges.

Circuit courts were established to be held in each county, with the state initially divided into 12 judicial districts which could be increased to not more than 16 at the discretion of the General Assembly. Jurisdiction of the circuit courts was set by the legislature, who also had the power to change, alter or modify the right of appeal to the Court of Appeals. The General Court was abolished, producing a system of circuit courts which had no centralized coordinating feature, and resulting in trial courts which were virtually autonomous in nature. However, the legislature specified that cases involving the Commonwealth would continue to be heard in Franklin Circuit Court.

In 1882, under its authority to create inferior courts, the General Assembly created an accumulated backlog of 1300 cases. The Superior Court consisted of three judges who had jurisdiction in all appeals except those involving: (1) the validity of statutes; (2) title to a freehold or right to a franchise; (3) felonies; and (4) judgments where the amount in controversy was more than $3,000. The two appellate courts became known as the "Rich Man's Court" and the "Poor Man's Court," and set off a bitter debate that lasted through the Constitutional convention of 1890. Although opponents to the Superior Court won their battle and eventually succeeded in abolishing the intermediate court, its purpose was accomplished. The backlog of cases on appeal was successfully reduced.

The Constitutional Convention of 1890 created the judicial system with which most Kentuckians are familiar. The structure was highly restrictive, as a result of the furious debates over the power of the General Assembly to create courts in addition to those empowered by the Constitution.

The judicial article provided for a Court of Appeals consisting of seven judges to be elected for a term of eight years, one from each of seven appellate districts. Ironically, opponents to an intermediate appellate court argued that it was not necessary to have three additional judges at that level to decide appeals, yet the number of Court of Appeals judges was increased from four to seven. The court had jurisdiction to review final orders and judgments of all courts except those: (1) granting a divorce or punishing a contempt; (2) of a Quarterly, Police, Fiscal or Justice's Court; (3) of a County Court unless the action was for division of land and allotment of dower; and (4) involving bonds having the force of judgments. Although a monetary limitation of $100 precluded appeals following the adoption of the 1891 Constitution, this limit was raised over the years. By 1975, when the new judicial article was ratified, the minimum monetary limit on appealable cases was $200, but only upon petition. Appeals as a matter of right were allowed where the amount in controversy was $2,500 or more.

The Constitution established circuit court in each county, with the state divided into circuit court districts. The number of districts increased during the succeeding years from 30 to 56, and the terms of judges were regulated by statute. The circuit courts had original jurisdiction of all cases not vested exclusively in some other court, and appellate jurisdiction to try de novo appeals from the inferior courts.

In each county group of lower courts was created consisting of from three to eight Justice of the Peace Courts, a County Court, a Fiscal Court, a Quarterly Court, and city Police Courts, all given overlapping or concurrent jurisdiction, both civil and criminal, by the General Assembly.

The framers of the 1891 Constitution created a judicial system which had no flexibility and which contained a prohibition against the creation of any court not established by the Constitution.

Although Kentucky's judicial system has undergone four modifications through the Constitutional Convention process which revised the entire document, the most dramatic change in state and local government ever experienced in the Commonwealth has resulted from one constitutional amendment—the judicial amendment of 1975.

The Judicial Article now contained in the Kentucky Constitution provides for a unified court system fully funded by the state. Although judges and clerks remain locally elected, they are state officials and the courts are unified for purposes of administration under one Court of Justice. The Judicial Article not only provides for four levels of courts, the Supreme Court,the Court of Appeals, the Circuit Courts, and the District Courts, but includes provisions for Judicial Nominating Commissions to fill vacancies, and for a Judicial Retirement and Removal Commission to insure the proper conduct of the judiciary.

This historical review of Kentucky's court system was initially presented in the first Annual Report of the new judicial system in 1976. Its repetition here is in response to the many inquiries received by the Administrative Office of the Courts. It does not describe the atmosphere which brought about the change, but should serve as an example of progressive modification of government. As we move closer to the end of this century, Kentuckians can point with pride to their unified Court of Justice and know that Kentucky has led the way for other states to follow in judicial improvement.

THE KENTUCKY COURT OF JUSTICE

The Judicial Article of the Kentucky Constitution provides for one unified Court of Justice, consisting of four courts: The Supreme Court, the Commonwealth's court of last resort; the Court of Appeals, an intermediate appellate court; the Circuit Courts, courts of general trial jurisdiction; and the District Courts, courts of limited jurisdiction.

The Court of Justice is unified for purposes of administration, with the Chief Justice having executive and administrative authority over the entire system. The Administrative Office of the Courts, created by statute, serves as staff to provide assistance in the performance of the administrative functions of the Supreme Court.

The Supreme Court (from left to right): Justice Boyce C. Clayton; Justice J. Calvin Aker; Justice Marvin J. Stemberg; Chief Justice John S. Palmore; Justice Robert F. Stephens; Justice John J. O'Hara; and Justice James B. Stephenson.

THE SUPREME COURT

Organization

The Supreme Court consists of seven justices, one elected from each of the seven appellate districts. A majority constitutes a quorum for the transaction of business. A Chief Justice, elected for a term of four years by his fellow members, presides over the Court and has administrative authority over the entire Court of Justice. The term of office of a Justice of the Supreme Court is eight years, staggered among the seven districts according to statute. Compensation of the justices is determined by the General Assembly.

Jurisdiction

The Supreme Court has appellate jurisdiction only, except it has the power to issue all writs necessary in aid of its appellate jurisdiction. Appeals from a judgment of the circuit court imposing a sentence of death or life imprisonment or imprisonment for twenty years or more are taken directly to the Supreme Court, but other causes of great and immediate importance may be transferred from the Court of Appeals if a motion for transfer is granted. Decisions of the Court of Appeals may be appealed to the Supreme Court if granted a discretionary review as prescribed by rule of court. The Supreme Court has the authority to prescribe rules for the appointment of commissioners and other court personnel and rules of practice and procedure for the Court of Justice. Additionally, the Supreme Court controls admission to the bar and discipline of members of the bar.

THE COURT OF APPEALS

Organization

The Court of Appeals consists of 14 judges, two elected from each of the seven appellate districts for a term of eight years. A Chief Judge is elected from among members of the court for a term of four years. The Court of Appeals may divide itself into panels of not less than three judges, a majority of each panel concurring in the decision of a cause. The Chief Judge has authority to assign judges to panels and to determine locations within the Commonwealth where each panel shall sit. Panels are chosen on a rotational basis, so that each judge sits with every other judge at least once a year. Cases are assigned to panels by the Chief Judge.

Jurisdiction

The Court of Appeals has appellate jurisdiction only, except that it may be authorized by rule to review directly decisions of administrative agencies of the Commonwealth, and to issue all writs necessary in aid of its appellate jurisdiction. One appeal, as a matter of right, may be taken from a judgment of the circuit court, the court of general trial jurisdiction, to the Court of Appeals. Decisions of the circuit court, when sitting on an appeal from district court, may be appealed to the Court of Appeals if granted a discretionary review as prescribed by rule of court.

Chief Judge John P. Hayes
Court of Appeals of Kentucky

THE CIRCUIT COURT

Organization

The circuit court consists of 91 judges serving in 56 judicial circuits which are determined by law and circuit court is held in each county. Circuit judges are elected for a term of eight years from judicial circuits categorized as follows: one-judge one-county circuits, multi-county one-judge circuits; and multi-judge one-county circuits. In any judicial circuit having only one judge, he is the chief judge. In judicial circuits having more than one judge, a chief judge is elected biennially from among their number. Compensation of circuit judges is set by the legislature.

Jurisdiction

The circuit court is a court of general trial jurisdiction and has original jurisdiction of all justiciable causes not vested in some other court. Jurisdiction in civil cases is limited to those involving an amount in controversy not less than $2500. Its appellate jurisdiction is provided by law, and all appeals are on the record. Review of administrative actions of state agencies constitute an original action and not an appeal.

Judge Henry V. Pennington
President
Kentucky Circuit Judges' Association

Judge John T. Daughaday
President
Kentucky District Judges' Association

THE DISTRICT COURT

Organization

The district court consists of 123 judges elected for a term of four years from 56 judicial districts coterminous with the judicial circuits. In any judicial district having only one judge, he is the chief judge. In judicial districts having more than one judge, a chief judge is elected biennially from among their number. In any county in a district in which a district judge does not reside, the Constitution mandates that the district judge shall appoint a resident trial commissioner. District court is held in each county. Compensation of district judges is determined by law.

Jurisdiction

District court is a court of limited jurisdiction. Its civil jurisdiction is limited to cases where the amount in controversy does not exceed $2500, and cases relating to probate. The Small Claims Division of district court has jurisdiction of cases involving not more than $1,000. It has criminal jurisdiction of misdemeanors, felony preliminary hearings, city and urban-county ordinance cases, traffic matters and certain juvenile cases. The district court may be granted statutory authority to review decisions of administrative boards. The district court is a court of record.

CLERKS OF COURT

The efficiency of the Court of Justice is dependent in large part upon the Clerks of Court. Under the provisions of the Constitution there is a Clerk of the Supreme Court, a Clerk of the Court of Appeals, and a Circuit Court Clerk who serves both the circuit and district courts within each respective circuit.

A necessary adjunct to the appellate and trial courts, the clerks have the responsibility to maintain custody, control and safe storage of court records, to maintain accountability for financial transactions, and to assist the court in the orderly and systematic disposition of court matters.

Clerk of the Supreme Court and the Court of Appeals

From 1850 until December 11, 1979, the Clerk of the Supreme Court (formerly the Court of Appeals) was a statewide elected official. Although Section 114(1) of the Judicial Article of the present Kentucky Constitution provides that "the Supreme Court shall appoint a clerk to serve as it shall determine," the transitional schedule attached to the constitutional amendment adopted in 1975 retained the elected clerk until the expiration of the existing term of office. On that occasion, the Supreme Court appointed its Clerk in accordance with the constitutional provisions. The Clerk of the Court of Appeals, whose appointment is provided for in Section 114(2), was chosen to serve as Clerk of both appellate courts.

The duties and responsibilities of the clerks of the appellate courts are defined by rule of court rather than by statute. Both offices are funded by appropriations to the Court of Justice.

John C. Scott
Clerk
Supreme Court of Kentucky
Court of Appeals of Kentucky

Carolynn P. Horn
President
Kentucky Circuit Clerks' Association

Circuit Court Clerks

Section 114(3) of the Constitution states that the clerks of the circuit courts shall be elected, and that they shall serve as clerks of the district court. There is one circuit clerk elected in each of Kentucky's 120 counties, for a term of six years, and the number of deputies assigned to each clerk and their respective salaries is regulated by the Administrative Office of the Courts, in conformance with criteria upon which appropriations are made by the General Assembly.

The general duties and responsibilities of the Circuit Clerks are contained in Chapter 30A of the Kentucky Revised Statutes. Specific duties are outlined in the Kentucky Circuit Clerk's Manual, which under Civil Rule 1 and Criminal Rule 1.02 of the Kentucky Supreme Court, has the force and effect of a rule of court.

The Administrative Office of the Courts

The Administrative Office of the Courts, by statute, serves as staff for the Chief Justice of the Kentucky Supreme Court. As executive head of the Court of Justice, the Chief Justice has delegated a majority of the statutory functions to the AOC, whose personnel component is under the administrative authority of Don. P. Cetrulo, Director.

As outlined in KRS 27A.020, those duties are:

(1) Perform administrative services for the Court of Justice and supervise its clerical and administrative personnel, and its accommodations;

(2) Act as fiscal officer of the Court of Justice:

(a) Maintain fiscal controls and accounts of appropriations;

(b) Review and audit expense vouchers of justices, judges, and employes of the Court of Justice;

(c) Prepare all requisitions for the payment of state moneys appropriated for the maintenance and operation of the Court of Justice;

(d) Prepare budget estimates of state appropriations necessary for the maintenance and operation of the Court of Justice;

(e) Collect statistical and other data and report to the Supreme Court on the expenditure of public moneys for the maintenance and operation of the Court of Justice.

(3) Ascertain the necessity for assignment of justices and judges as contemplated by section 110(5)(b) of the Constitution;

The Administrative Office of the Courts is located in the Bush Building, Frankfort, Kentucky

(4) Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Court of Justice;

(5) Collect and compile statistical and other data concerning the operations of the courts;

(6) Formulate and submit to the Supreme Court recommendations of policies for the improvement of the Court of Justice;

(7) Provide for educational programs for the members of the Court of Justice;

(8) Report to the general assembly concerning the work of the Court of Justice and make such recommendations for the improvement of administration of justice as deemed necessary and proper;

(9) Supervise, operate, and administer all pretrial release programs and personnel which come within the purview of the Court of Justice, or which are related thereto;

(10) Perform such other functions as may be assigned by the chief justice.

Administrative Services

Fiscal matters are handled by the Division of Administrative Services which is responsible for payroll processing, federal grants management, purchasing, accounting, court facilities, and logistical support in the areas of furniture, equipment, forms and supplies for the Court of Justice.

The Accounting/Purchasing section receives and approves all expenditures for the Court of Justice, reconciles statements of account on a monthly basis, and provides a unified purchasing system to secure goods and services for offices of the Court of Justice throughout the state. In December 1980, the processing of requisitions for office supplies and forms was computerized. Continuing efforts are being made to streamline the system in order to achieve a same-day turnaround on the processing time.

The Personnel Section provides the administrative, accounting and clerical services necessary to maintain a work force of approximately 2,100 judicial and non-judicial personnel. Included in the 120 county system are justices and judges, trial commissioners, circuit clerks, deputy clerks, pretrial release officers, secretaries, official court reporters, trial court administrators, law clerks and the central staff of the Administrative Office of the Courts.

In addition to paycheck preparation and distribution, the personnel section processes workers' compensation claims, assists in recruitment and selection of personnel, evaluates the classification and compensation system, and resolves employee grievances before they reach the formal committee stage. The **Personnel Policies and Procedures Manual** governing non-judicial employees was revised in 1980 and distributed to all employees in February 1981.

The efficient management of human resources has become an increasingly critical factor because of severe revenue shortages in the Commonwealth of Kentucky. Although budget cutbacks required keeping position vacancies open 30 to 90 days, and hiring employees at lower salary rates, efforts to provide service and equity to the various courts in staffing and compensation were continued.

PERSONNEL DATA
FY 1980-82

Personnel Type	Total Number of Personnel Statewide
Judicial	235
Circuit Clerks	120
Deputy Clerks	1,085.5
AOC	85.5
Pretrial Services	152.5
Other Non-Judicial	
Court Reporters	
Secretaries	
Law Clerks	
Staff Attorneys	
Court Administrators	443.5
TOTAL FULL-TIME EMPLOYEES	2,122

The Facilities Management Section was originally established to secure court space during the implementation stages of the judicial amendment in 1976. Its responsibilities have been expanded since that time to include management of an operations center.

Legislation was enacted by the Kentucky General Assembly in 1976 and amended in 1978 and 1982 to provide for reimbursement to units of local government for the use of court facilities, and is based on a formula for compensation which utilizes a "use allowance" and an "operational expense allowance."

County courthouses are the primary source of space used by the Court of Justice for courtrooms, judges' chambers and circuit clerks' offices, and payments are funded by a special appropriation from the General Assembly.

Included at the operations center, which occupies 21,200 square feet of space, are (1) a fully equipped print shop with the capability of handling all the printing needs of the court system; (2) a receiving and shipping center which makes daily shipments of supplies and forms to 460 court offices throughout the Commonwealth; (3) a center for receiving, warehousing, and distributing furniture and equipment, and transport as necessary; and (4) a maintenance and repair shop to provide, service and maintain mechanical and electronic equipment in use throughout the state, including court recording equipment.

Field Services

Two groups of AOC employees work regularly with the circuit clerks in Kentucky's 120 counties.

Clerk services representatives are responsible for monitoring various programs and providing technical assistance to the circuit clerks. During the past two years their objectives have been to:

(1) Make routine visits to clerk's offices, and on occasion adopt a "team approach" by utilizing two or more field representatives;

(2) Provide on-site assistance on specific problems as ordered by the Director of the AOC;

(3) Provide daily telephone assistance to all courts and circuit clerks;

(4) Provide records management support to circuit clerks upon request by microfilming or otherwise storing old records;

(5) Review every six months the forms needs of the Court of Justice and revise as necessary;

(6) Review every six months the **Circuit Clerks Manual** to insure that it accurately reflects the duties and procedures of their office; and

(7) Prepare appropriate educational programs for court related conferences.

Accounting services representatives make periodic field visits to the circuit clerks' offices to review and manage the accounting function provided for by the Uniform Accounting System. They continually review internal control procedures so that the circuit court clerks may adequately control the funds placed in their custody.

The circuit court clerks are legally compelled to serve as a conduit for funds received from individuals and deposited to the state treasury in escrow accounts. During fiscal year 1980-1981, $33,682,940.14 was remitted to the General Fund by the clerks, and also remitted funds collected for other state agencies: $4,646,042.25 remitted for drivers' licenses and boat registrations, and $82,993.80 to fish and wildlife resources. The circuit clerks maintained balances approaching $16,000,000, which consisted of funds held in escrow, and for the maintenance of jury and witness funds.

The circuit clerks remitted $32,077,026.51 to the General Fund in fiscal year 1981-1982. They also remitted $5,340,392.50 to other state accounts for drivers' license and $83,873.52 to fish and wildlife funds. New legislation directed that fees from boat registrations be deposited in a trust and agency account beginning April 20, 1982, so these figures do not reflect the 10-day period from April 20 through April 30. The clerks remitted $589,116.00 to the trust and agency account for May and June.

During routine field visits, misappropriations were discovered in five (5) counties, and recovery of funds was made by repayment in two counties and by prosecution in another. The other cases were investigated and turned over to the commonwealth's attorney. One case was taken before the grand jury with no indictment; the other is still pending.

State Law Library

The State Law Library is a professional research library. It has a small staff and is funded by the General Assembly only as a support service for the Court of Justice. It is not a public library in the usual sense of a library that renders library services to the public, so for these reasons the State Law Library cannot provide reference service to persons who are not members of or employed by the Court of Justice.

The State Law Library is the central collection of legal literature for the state government. It is available to public officials and their staff, state employees, attorneys, and citizens.

In order to furnish the bench, bar, and others with timely information concerning current legal literature, the State Law Library prepares regular bibliographic features for **Accent On Courts** and **Kentucky Bench & Bar**, which consists of brief summaries of selected articles appearing in legal periodicals, and succinct descriptions of newly published and useful books acquired by the State Law Library and a column concerning the state court facets of recent federal cases for **Accent On Courts**.

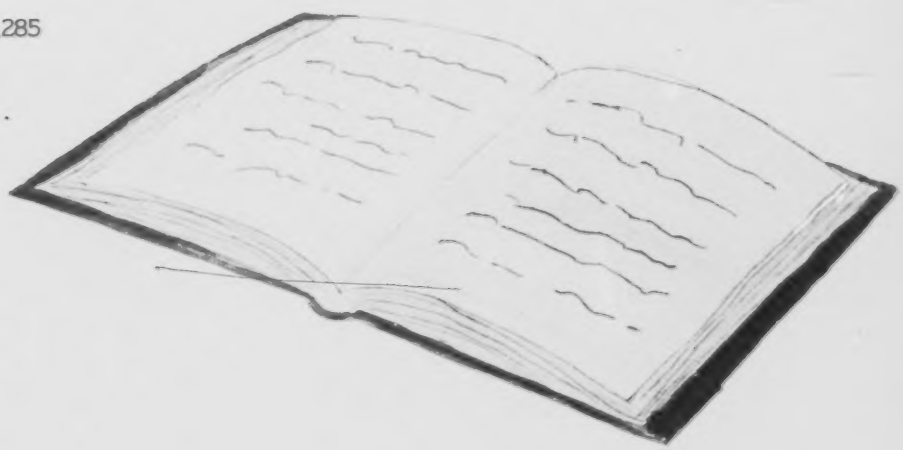
The readers' services activities of the state law library during the 24 months, July 1, 1980-June 30, 1982, were as follows:

Number of Readers	12,009
Items Circulated	6,818
Reference Inquiries	1,462
Copies Made for Patrons	12,285

In addition to providing readers' services, the State Law Library keeps the libraries of the judges of the Court of Justice updated, as well as procuring additions if funding is available. The State Law Library works with the county law libraries by rendering assistance upon request to any of the publicly funded law libraries. However, state funds are not used for these purposes.

Two staff attorneys attached to the State Law Library provide quality research to justices and judges who have exhausted conventional research methods by utilizing the capabilities of the Lexis computer, and by researching printed materials to which the judges do not have access. A summary of staff attorney activities for fiscal years 1980-1982 follows.

Number of inquires received by staff attorneys	333
Number of inquiries from previous users	286
Number of written responses drafted by staff attorneys	167
Number of unwritten responses by staff attorney	163
Number of pages of copies law library material furnished by staff attorney	9,154



THE BUDGET PROCESS

The annual budget for the Court of Justice is a program budget for each level of court and function, including the estimated cost of personnel, operating expenses and equipment for each of the budget units. The budget staff prepares the annual operating budget for each of the programs and the quarterly allotments for operating expenses for the 120 circuit clerks' offices. The budget staff had the continuing responsibility of monitoring the program budgets during the fiscal year and the preparation of a monthly analysis on the status of each budget unit.

In addition, the budget staff was involved in a continuing procedural analysis of the administrative system, seeking to simplify and expedite the administration and to identify means of reducing costs. Major projects included: (1) a procedural study of the paper flow of the payroll system for the Court of Justice; (2) an administrative self-survey to review and/or revise procedures and policies throughout the AOC; (3) the development of an automated facilities information system to provide information broken down by type of expenditure and to provide a more accurate basis for projecting budget increases and trends; (4) a revision of the Court of Justice biennial budget request format to include the utilization of electronic data processing in the preparation of the budget request; (5) continuation of the review and analysis of telephone and photocopy requirements to provide the most effective services at the least cost; (6) staff assistance in the development of a local archives and a review of space utilization in Jefferson County; (7) development of revised travel regulations for the Court of Justice; (8) review of personal property insurance practices; and (9) the computerization and writing of payrolls in AOC.

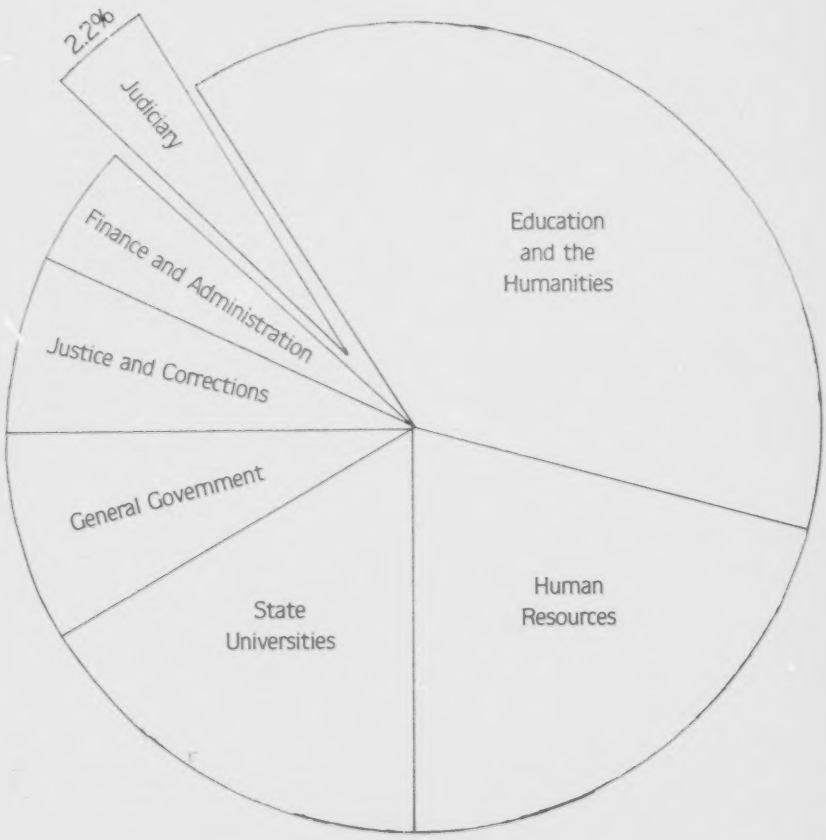
The budget staff, working directly with the AOC director, prepared the Court of Justice 1982-84 biennial budget request for submission to the legislative branch. On April, 1981, the process for the preparation of the 1982-84 biennial budget request began with the development of a program memorandum, which serves as a planning guide for legislative and budgetary issues relating to the judiciary during the upcoming biennium. It was completed and submitted to the legislative and executive branches in June, 1981. Concurrent with the preparation of the program memorandum, the unit budget process was started, when the staff visited each of the 56 judicial circuits to provide the opportunity for local court officials to express budgetary requirements for the 1982-84 biennium. Information obtained from the circuit judges, district judges and circuit clerks was utilized in the preparation and justification of the judiciary's biennial budget request.

In July, 1981, the staff began the preparation of the detailed estimates for the operation of the court system during the upcoming biennium. The estimates include both the costs of continuation of existing services and new or expanded programs during the biennium. The judicial budget request was submitted by the Chief Justice to the legislative branch in November, 1981. During the 1982 Regular Session of the General Assembly, the staff provided assistance to the director of AOC for legislative budget hearings and reviewed bills for fiscal impact on the judiciary.

1. Financing The Courts

In accordance with the Constitution of Kentucky, the Supreme Court, through the AOC, prepares annual budget estimates of state appropriations necessary for the operation of the Court of Justice. Since January 1978, the funding of the unified court system has been from state appropriation with all of the revenues collected by the courts being deposited into the State Treasury. The 1982 General Assembly appropriated $110.5 million in general fund support of the court system during the 1982-84 biennium. The General Fund support of the courts represents 2.2% of the total state general funds appropriated in the 1982-84 biennium.

An overview of the actual expenditures for fiscal year 1980-81 and 1981-82, the budget for fiscal 1982-83, and the actual revenues collected by the court system in fiscal 1981-82 are reported in the material that follows.



a. Expenditures for Fiscal Year 1980-81

The expenditures for the court system in fiscal 1980-81 were $45,344,451 of the total general fund budget of $45,400,900. The 1980 General Assembly provided funding for an additional four circuit and nine district judgeships, twenty additional deputy circuit clerk positions, a salary adjustment for the judges and circuit clerks, and a cost-of-living adjustment for non-elected personnel. The expenditures for fiscal 1980-81 are presented by budget unit in Chart A.

CHART A

COURT OF JUSTICE EXPENDITURES-FISCAL YEAR 1980-81

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,297,684	$	$ 1,297,684	2.86
Court of Appeals & Clerk	1,969,908		1,969,908	4.34
Circuit Court	7,248,913		7,248,913	15.99
District Court	6,242,106		6,242,106	13.77
Circuit Clerks	17,842,847		17,842,847	39.35
AOC	2,168,716		2,168,716	4.78
Bds. & Comms.	24,933		24,933	0.06
Law Library	387,415		387,415	0.85
Pretrial Services	2,177,714		2,177,714	4.80
Federally Funded Projects	136,903	662,523	799,426	0.30
Capital Outlay	280,928		280,928	0.62
TOTALS	$39,778,067	$ 662,523	$ 40,440,590	
Local Facilities Fund	5,566,384		5,566,384	12.28
TOTALS	$45,344,451	$ 662,523	$ 46,006,974	100.00%

b. Expenditures for Fiscal Year 1981-82

The expenditures for the court system in fiscal 1981-82 were $49,018,831 of the total general fund budget of $49,111,200. In this fiscal year funds were provided for the continuation of existing service levels, including the annual 5% salary increments for non-judicial personnel and an increase for operating expenses to offset the impact of inflation. Funds were provided for a salary adjustment of 6% for the judges and circuit clerks. The expenditures by budget unit for fiscal 1981-82 are presented in Chart B.

CHART B

COURT OF JUSTICE EXPENDITURES-FISCAL YEAR 1981-82

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,308,388	$	$ 1,308,388	2.67
Court of Appeals & Clerk	2,093,409		2,093,409	4.27
Circuit Court	7,969,223		7,969,223	16.26
District Court	6,777,724		6,777,724	13.83
Circuit Clerks	19,008,975		19,008,975	38.78
AOC	2,597,951		2,597,951	5.30
Bds. & Comms.	26,728		26,728	0.05
Law Library	424,987		424,987	0.86
Pretrial Services	2,228,358		2,228,358	4.55
Federally Funded Projects	0	900,500	900,500	N/A
Capital Outlay	627,845		627,845	1.28
TOTALS	$43,063,588	$ 900,500	$ 43,964,088	
Local Facilities Fund	5,955,243		$ 5,955,243	12.15
TOTALS	$49,018,831	$ 900,500	$ 49,919,331	100.00%

c. Budget for Fiscal Year 1982-83

The General Fund budget for the support of the court system during fiscal 1982-83 is $53,258,300. This represents an 8.4% increase over the appropriation in fiscal 1981-82. In fiscal 1982-83 the General Fund appropriation to the court system represents 2.2% of the total state General Fund appropriation. A total of $46,617,900 was appropriated for Court Operation and Administration, including personnel costs, operating expenses and capital outlay. The personnel costs represents 89.2% of the total budget for Court Operation and Administration. The remaining $6,640,400 was appropriated to the Local Facilities Fund for rental payments to local governments for courthouse facilities. The 1982 General Assembly provided funding for continuation at the current level of service. In addition to the annual 5% salary increments, funds were provided to allow a salary adjustment to non-elected employees as determined by the Chief Justice. Funding is provided for a salary upgrade and annual 5% adjustment for circuit clerks and a 5% salary increase for judges. Additional funds were provided for operating expenses and capital outlay to help offset the impact of inflation. The budget for fiscal 1982-83 is presented by program unit in Chart C.

CHART C

COURT OF JUSTICE EXPENDITURES-FISCAL YEAR 1982-83

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,477,780	$	$ 1,477,780	2.77
Court of Appeals & Clerk	2,305,830		2,305,830	4.33
Circuit Court	8,446,010		8,446,010	15.86
District Court	7,323,200		7,323,200	13.75
Circuit Clerks	21,196,850		21,196,850	39.80
AOC	2,250,680		2,250,680	4.22
Bds. & Comms.	35,300		35,300	0.07
Law Library	447,080		447,080	0.84
Pretrial Services	2,871,970		2,871,970	5.40
Federally Funded Projects	0	187,700	187,700	N/A
Capital Outlay	263,200		263,200	0.49
TOTALS	$46,617,900	$187,700	$ 46,805,600	
Local Facilities Fund	6,640,400		6,640,400	12.47
TOTALS	$53,258,300	$187,700	$ 53,446,000	100.00 %

2. Collection of state Revenues

The 1976 General Assembly adopted a uniform filing fee, fine and court cost structure for the court system beginning in January 1978. All of these funds collected by the courts are deposited into the State Treasury. During fiscal 1981-82, the courts collected and remitted a total of $38,242,905, of which $155,937 represents filing and miscellaneous fees collected by the Clerk of the Supreme Court and Court of Appeals. A total of $38,086,968 was collected during fiscal 1981-82 in the circuit clerks' office, a breakdown of which is presented in Chart D.

CHART D

COLLECTIONS OF STATE REVENUES
CIRCUIT CLERK'S OFFICES
FISCAL 1981-82

	General Fund	Other Agencies	Total	% of Total
Criminal/Traffic Fines & Costs	$21,258,486	$	$21,258,486	55.81
Drivers License	2,331,220	5,340,392	7,671,612	20.14
Civil Filing Fees	5,419,043		5,419,043	14.22
Boat Registration	1,180,315		1,180,315	3.09
Interest Income	835,347		835,347	2.19
Forfeitures	479,572		479,572	1.26
Charges for Svc.	523,562		523,562	1.37
10% Bond; 10% Fee	320,988		320,988	.84
Bond Filing Fees	209,099		209,099	.55
Fish & Game Violations	55,919	83,879	139,798	.36
Public Defender		59,027	59,027	.15
Over (Short)	9,881		9,881	.02
TOTALS	$32,603,670	$5,483,298	$38,086,968	100.00%

PRETRIAL SERVICES

June 1982 marks the sixth anniversary of the Kentucky Pretrial Services Agency, a statewide system of pretrial release and investigation services statutorily mandated by the Kentucky General Assembly in 1976 as part of a reform in the administration of justice for the Commonwealth. Statewide pretrial services were initiated in conjunction with the abolition of commercial bail bonding in the state under Kentucky Revised Statutes (KRS) 531.510-550. The Pretrial Services Agency was later designated as the Division of Pretrial Services within the Administrative Office of the Courts.

In accordance with the statutes and Supreme Court Rules of Criminal Procedure relating to bail (RCr 4.00-4.58), Pretrial Services provides objective information to the trial courts based on community ties, family associations, and job security. Having been provided this information, the appropriate judicial officer can make an informed decision concerning methods of pretrial release. Furthermore, it is the intent of the law that persons charged with bailable offenses should not be levied any undue financial hardships, yet give assurance that necessary court appearances will be met.

Structure

The Division of Pretrial Services is responsible for 57 pretrial field offices providing service to 120 counties in the Commonwealth. A central staff of five provides supervision, technical assistance and support.

Duties

The statewide program is decentralized in order that each local pretrial officer can administer to the needs of his respective court. Although the duties of providing objective information to the courts through interviews and verification are specifically outlined in the statutes and by court rule, officers perform sundry other duties. These duties include: filling out affidavits of poverty for indigent defendants; supervising defendants not released under agency criteria; providing jail censuses to the court; monitoring court appearances of program releases; maintaining a comprehensive criminal record system; referring defendants to various social agencies; and serving as liaison with other court and criminal justice personnel in the community.

Alternatives to Formal Adjudication

Not only does the Division of Pretrial Services have the responsibility for pretrial release services, but it also directs five dispute mediation programs and three diversion programs. Both of these alternatives are currently funded by a Law Enforcement Assistance Administration grant which began in May 1979; general fund dollars were appropriated by the 1982 General Assembly to continue funding after the grant expires in October 1982. The Fayette County mediation program began, however, as an independent project in 1976 and was placed under the auspices of the Division of Pretrial Services in January 1979.

Mediation

Dispute mediation programs operate in five locations: Jefferson County (Louisville); Fayette County (Lexington); and a three county area of northern Kentucky-Kenton County (Covington), Campbell County (Newport), and Boone County (Burlington). These programs have given citizens an opportunity to work out their problems without the stigma or costs of court. For the two fiscal years ending June 30, 1982, 65,021 complaints were received. During the same period, 11,311 hearings were actually held and 8,577 (76%) reached settlements. Complete statistics are included in Table II.

Diversion

Misdemeanant diversion programs function in the three northern Kentucky counties of Kenton, Campbell and Boone. These programs provide an alternative to convictions of first-offense defendants who would have suffered the stigma of being a criminal. In addition to offering alternatives to the defendants, the diversion programs have benefited the community. In all three counties, divertees provide community service work, i.e., helping underprivileged children, cleaning up parks, working in neighborhood centers, etc., as part of their responsibility to the program. For the two fiscal years ending June 30, 1982, a success rate of 90% has been reported on completed diversion contracts.

Evaluation

As noted, the mediation and diversion programs are presently funded under an LEAA grant; these monies ran out in October 1982. Therefore, the Division of Pretrial Services undertook an in-house study to assess the impact of these programs to the courts and to the community. Additionally the Pretrial Services Resource Center, Washington, D.C., consented to conduct an independent evaluation. Both reports were completed in December 1981. This study was provided to the Legislative Research Commission during the 1982 General Assembly as a part of the budget request to gain state monies for continuation of these programs.

AGENCY STATISTICS

Pretrial Release

The statewide arrest activity during July 1, 1980-June 30, 1982 decreased slightly from the previous year, with less persons arrested and placed in custody. However, pretrial services officers interviewed more arrestees in each of the two fiscal years than in FY 1979-80.

As in prior years, the most common methods of release for defendants in the Commonwealth were release on recognizance and/or release on unsecured bonds. During 1980-82, 109,464 persons were released on agency criteria, of which 5,800 (5.3%) failed to appear for court appearances. Although the number of defendants released through the agency was substantial, the failure to appear rate was low.

Mediation and Diversion

As indicated above, 65,021 actions were received through mediation intake; of those only 25,815 (39.7%) were referred for warrants or summons. This figure indicates that the formal court process was reduced, and 39,206 persons were kept out of formal court.

Of the 3,977 diversion reports' prepared for 1980-82, 2,632 (66%) were successful and prosecution was dropped, and the formal court caseload was reduced.

Complete statistical breakdowns for pretrial release are shown in Table 1, and the mediation and diversion statistics are desplayed in Table 2.

TABLE I

DIVISION OF PRETRIAL SERVICES

Statistical Report

July 1, 1980-June 30, 1982

I.	**Number of defendants arrested and placed in custody.**			402,982
	A. Number of defendants contracted and offered Pretrial Services.			276,854
	B. Number of defendants completely interviewed.			224,245
	C. Number eligible for personal recognizance release after interview.			155,498
	D. Number eligible but resolved prior to presentation.			6,038
	E. Number of eligible defendants presented to judiciary.			149,460
	1. Number of these defendants released on personal recognizance.	84,180		
	2. Number of these defendants released on unsecured bonds.	19,811		
	3. Number of these defendants released on non-financial conditions.	5,473		
	4. Number rejected for personal recognizance release, unsecured bond, or non-financial conditions by the judiciary.	39,996		
	F. Number of 24-hour reviews processed.			20,641
	1. Additional program releases.	3,340		
	2. Number of bonds reduced.	5,546		
	G. Number ineligible for personal recognizance release after interview.			68,747
	1. Number released to Agency supervision.	7,391		
	H. Number of scheduled court appearances for defendants released through the Agency.			198,367
	I. Number of defendants for whom program release was revoked by the Judiciary.			1,467
	J. Number of defendants not interviewed.			178,737

II. Number of defendants excluded.

1.	Serving time.		8,109
2.	Federal charges/AWOL		3,209
3.	Juvenile.		15,551
4.	Refused interview.		19,245
	TOTAL	46,114	

III. Method of release of all defendants not released through the Agency.

1.	Placed on recognizance, unsecured bond, or conditions.		38,380
2.	10% Bail Bond.		52,428
3.	Other bail bond (full cash, property, bond schedule, Guaranteed Arrest Bond Certificate).		65,207
4.	Performance Bonds.		1,996
5.	Paid fine.		31,236
6.	Not released.		74,098
7.	Other (specify).		26,833
	TOTAL	290,178	

IV. Number of program releases who were re-arrested pending trial. 5,680

V. Number of indigency affidavits collected by the Agency. 32,545

VI. Number of defendants failing to appear through the Agency. 5,800

TABLE 2

DIVISION OF PRETRIAL SERVICES
Diversion and Mediation Programs

Statistical Report

July 1, 1980-June 30, 1982

CIRCUITS: 16, 17, 22, 30, 54

A.	**Diversion Component** (16, 17 and 54).			
	1.	Number of pretrial interviews.		20,432
	2.	Number of diversion reports prepared.		3,977
	3.	Number of defendants diverted.		2,801
	4.	Number of diversion contracts completed.		2,922
		a. Number unsuccessful/referred to court.	290	
		b. Number successful/prosecution dropped.	2,632	
	5.	Current caseload.		366
B.	**Mediation Component** (16, 17, 22, 30, 54)			
	1.	Number of actions received.		65,021
		a. Those referred for warrants or summons.	25,815	
		b. Those referred for hearings.	18,331	
		c. Other action.	20,875	
	2.	Number of hearings schuled.		23,053
		a. Those cancelled or withdrawn.	10,803	
		b. Those rescheduled for a later date.	1,066	
		c. Those actually held.	11,311	
		1. Those in which settlement reached.	8,577	
	3.	Number of call backs made.		7,301
		a. Those which reported unsuccessful.	734	
		b. Those which reported successful.	4,380	
		c. No report received.	2,187	

EDUCATION AND TRAINING

Innovative, informative and challenging educational seminars for judges and court support personnel are regularly conducted so that each group will have an opportunity to maintain the highest degree of professional competence necessary to perform the varied judicial services required by the public and the Court of Justice.

Within the past four years, although judicial education is not mandatory for Kentucky judges, one hundred and two (102) judges have received the Kentucky Bar Association's Continuing Legal Education Recognition Award for attending a minimum of 60 hours in approved education courses. Eighteen (18) judges have received a one-year extension of the award and one judge has received a second extension of the award. Programs conducted by the Administrative Office of the Courts are structured to meet the bar association's continuing legal education requirements.

Separate education committees for circuit and district judges meet regularly to assist in planning judicial seminars. A review of questionnaires and evaluations from previous programs provides the committees with valuable information about the educational needs of the judges.

Circuit Judges Education Committee

Judge J. B. Johnson, Jr., Chairman
Judge William Cooper
Judge Sidney Douglass
Judge Charles Luker
Judge Olga Peers
Judge George Ryan

District Judges Education Committee

Judge John Daughaday, Chairman
Judge Howard Bowles
Judge John Carter
Judge Kelly Clore
Judge Benjamin Dickinson
Judge Leonard Kopowski
Judge Edwin Rice
Judge Julia Tackett

Annual week-long colleges are scheduled each fall for circuit and district judges, which provide an excellent forum for the judges to discuss mutual issues affecting the judiciary. In addition to refresher courses on basic substantive and procedural law, the curriculum may include comprehensive studies of new legal developments, recent legislation, court management or administrative changes. The faculty for the colleges generally includes nationally-known judges and attorneys as well as prominent judges, attorneys and law professors from Kentucky.

Specialty seminars are developed for specific legal topics that merit in-depth study over an extended period of time, and provide an excellent opportunity for experts from state agencies and private service organizations to participate as instructors, workshop participants or resource persons.

A two-day Kentucky Judicial Conference is held each May for all Supreme Court, Court of Appeals, circuit and district judges, which is the only annual meeting to which all the state's judges are invited to participate. The programs are developed to include subject matter of interest to both trial and appellate judges, such as future trends of the courts, public perception of the courts or recent decisions of the state and federal courts.

In 1980-82, Kentucky judges attended out-of-state educational programs sponsored by the National Judicial College, the American Academy of Judicial Education and the National College of Juvenile Justice. The national seminars are an excellent means to exchange information and ideas with judges from other states and to allow judges to strengthen their legal and judicial knowledge or skills. The judges trained nationally contribute significantly to the quality and substance of in-state programs by serving as program planners, instructors, or workshop leaders.

During the two years covered by this report, 1980-1982, thirty-two (32) trial court judges attended out-of-state educational programs and ten (10) appellate judges were in attendance at national programs designed to enhance their judicial expertise.

Training for court-support personnel is a high priority and is provided as funding permits. Circuit clerks and their deputies attended programs consisting of refresher courses on the clerk's established duties as well as court management and administrative procedures. The programs are developed jointly by the Administrative Office of the Courts and the Circuit Clerks Education Committee.

Circuit Clerks Education Committee

Mr. Jim Groves, Chairman
Mr. W. J. Brien
Ms. Christine Coleman
Ms. Edith Cox
Mr. R. H. Gash
Ms. Carolynn Horn
Mr. John Kearns
Mr. Ed Schroeder
Mr. Arthur Walson
Mr. Leslie White

Summer and fall conferences are held each year for the circuit clerks and deputy clerks, as well as training seminars on court services and accounting procedures. Regional one-day programs, topical in nature, were held in ten locations across the state during 1982. The programs were designed to provide a maximum of training at minimum cost by using AOC personnel and circuit clerks as instructors with little or no travel expense involved for the attendees.

Annual educational programs were held in 1981 and 1982 for the offical court reporters and also for trial court administrators.

REGIONAL ADMINISTRATION

By order of the Supreme Court dated December 5, 1977, a pilot project for regional administration was created and became effective January 2, 1978. Pursuant to Section 112(4) of the Kentucky Constitution, a statewide regional administration plan was developed by the Administrative Office of the Courts and presented to the Judicial Council for its consideration. The Council recommended the plan for initial experimentation in two circuit court regions. Following initial success of the concept, ten regions were approved and established to encompass the state. Additionally, three pilot district court regions were proposed and established in 1978. Two of the district court regions have unique boundaries while the third region has boundaries coterminous with the Eastern Region of the circuit court program.

The regional administration project had four goals during this period: (1) to equalize work among the judges within regions; (2) to expedite the disposition of litigation within regions; (3) to promote uniform procedures and practices within regions and throughout the state; and (4) to increase the responsiveness of the Administrative Office of the Courts to the needs of the trial courts.

A number of factors were considered in determining the composition of the ten regions, including: (1) caseload per circuit judge; (2) the rank order of judicial circuits by caseload per judge; (3) the number of circuit judges and counties; (4) geographical constraints; (5) highway quality and access; (6) trial commissioner use; and (7) kinship disqualification.

Under the provisions of the charter accompanying the order of the Supreme Court, a chief regional judge is selected in each region by the circuit judges within the region. His duties are: (1) to plan, coordinate and supervise activities within each region; (2) to advise the regional coordinator of information necessary to make a judicial transfer decision; (3) to work with the regional coordinator to set up exact procedures for conducting the project within his region; and (4) to exercise within his region the temporary assignment authority delegated to him by the Chief Justice.

In February 1982, two circuit court regions were added, and the district courts were organized for statewide regional administration under the same criteria as that of the circuit courts.

The regions have acted vigorously under the charters to exercise special judicial assignment authority. During the period July 1, 1980 through June 30, 1982, special assignments have been made as indicated in the chart below.

Number of Assignments
Regional Administration Program

Region:	July, 1980-June, 1981*	July, 1981-June, 1982*
Purchase	5	13
Pennyrile	60	71
Green River	21	39
Central	198	153
Northwestern	7	3
Northern	24	69
Northeastern	16	10
Southeastern	89	56
Eastern	69	63
Mountain	134	56
Jefferson/Bullitt**	—	15
Fayette**	—	—
Totals	623	548

* The Figures reflect circuit and district court assignments

** The Jefferson/Bullitt Region and Fayette Region were established in February 1982, as well as all district court regions.

ELECTRONIC DATA PROCESSING

By means of effective data processing applications, the Kentucky Court of Justice maintains a court information system which facilitates the retrieval of judicial statistics and, equally advantageous, a system which assists in management and administrative functions.

Caseload information systems for the circuit and district courts have the capability of producing reports on filings and dispositions statewide by county and district. The circuit court judicial statistics are more comprehensive than those of the district court, containing a pending file of all open cases.

In the two largest metropolitan areas of Kentucky, Jefferson and Fayette Counties, case information systems are maintained which produce daily dockets, case information, subpoenas, outstanding bench warrants, and other pertinent information. In Jefferson County, the system interfaces with the computers of other law enforcement and court-related agencies.

Management systems which assist the Administrative Office of the Courts in its day to day operation are invaluable. Programs have been designed to ameliorate the problems associated with manual processing, and function to produce reports as often as necessary.

In these times of economic distress, budget-related systems are among the most useful in administrative matters. Since the Kentucky General Assembly meets in regular session only once every two years, a biennial budget request and program memorandum must be prepared and submitted several months prior to the convening of the legislature. A budget request system is maintained which produces worksheets containing continuation and supplemental budget request information. Additionally, an expenditure analysis assists in the posting of all financial accounts and provides information concerning the availability of funds or budget status for the fiscal year. Detail expenditure reports are produced as well as an automatic detail reconciliation report. State appropriations to the Court of Justice are monitored continually through the use of these programs.

A personnel/position control system has been installed which controls and accounts for all filled and vacant positions in the court system. The program can produce personnel listings in various sequences, requests for personnel action, for annual increments, and budget projections for calendar and fiscal years. The payroll cost distribution system distributes payroll and fringe benefit costs for the circuit clerks to the 120 Kentucky counties, and creates automatic budget adjustments and expense transactions.

To expedite the delivery of service to judges and circuit clerks throughout the state, two inventory systems are maintained: (1) the forms/supplies inventory system which provides control and re-order procedures, and produces inventory balances and shipping orders daily; and (2) the equipment inventory system files all state and other-owned equipment by location and item number.

A unified county receipts system functions to provide an audit trail and summary reports of cash receipts and disbursements as submitted monthly from each county by the circuit clerk. The data base was formed by entering information from monthly financial reports dating back to 1978, and will be programmed to produce detailed reports as well as the now-retrievable summary reports.

A Court of Justice address system is available which contains 17 classes of address listings, and which can produce address labels by specified order e.g., by zip code, alphabetical order, or by judicial district.

Other programs are in the design stage, and will be fully operational during fiscal year 1982-83. Included in the ever-expanding data processing plans are systems relating to jury management, court facilities payments, and economical litigation projects. All case management systems will be enhanced by installing on-line PROMIS systems (pre-packaged software) when the Administrative Office of the Courts secures its agency-owned computer and converts from the executive branch main computer.

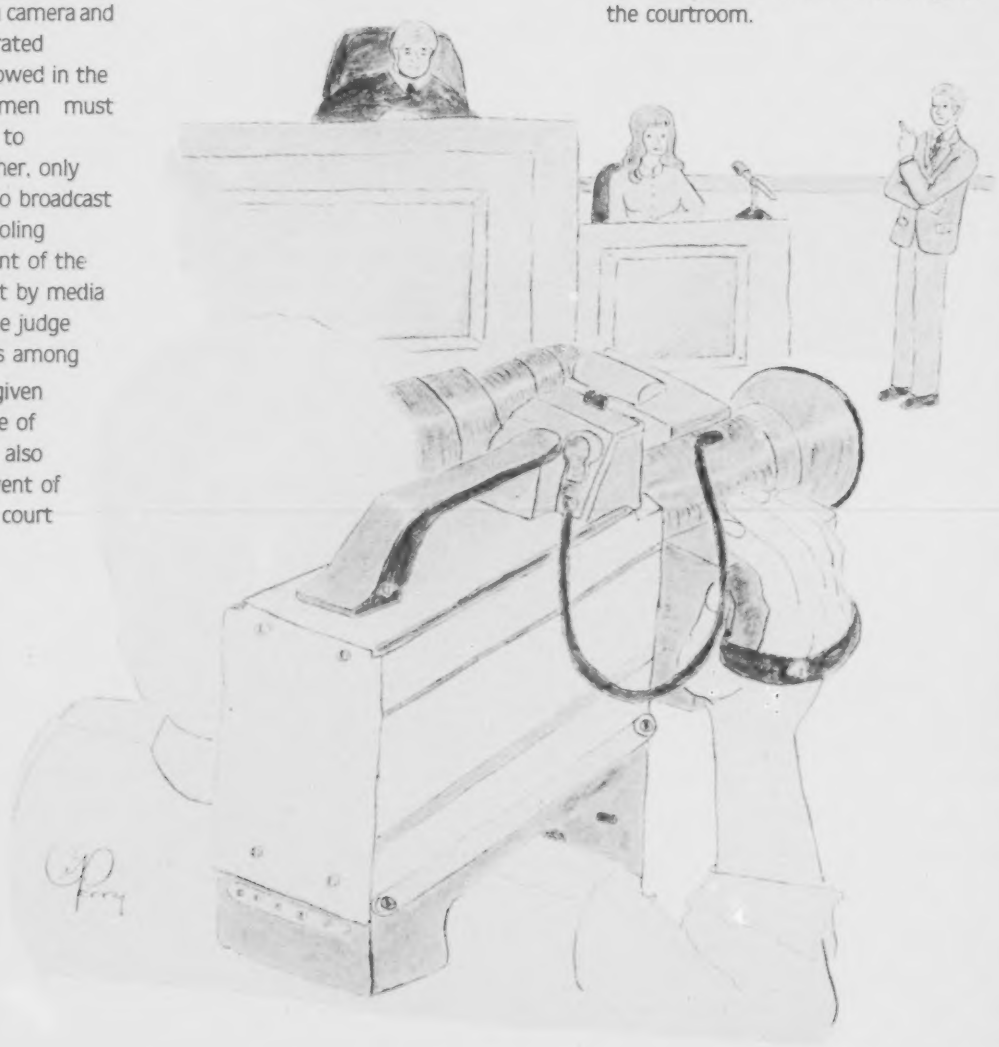
CAMERAS IN THE COURTROOM

Effective July 1, 1981, by amendment to the Rules of the Supreme Court (SCR 4.300, Canon 3A (7)), the use of electronic equipment in Kentucky courtrooms is permitted.

Subject to standards of conduct and technology set forth in material appended to the rules, the decision to allow cameras in the courtroom rests with each judge. The standards are simple and easy to follow, but place the burden of compliance upon the media.

Essentially, the rules require that only one portable television camera and one still camera, each operated by one person, shall be allowed in the courtroom; the cameramen must remain stationary in order to prevent distractions. Further, only one audio recorder for radio broadcast purposes is permitted. Pooling procedures for each segment of the media must be worked out by media representatives without the judge having to mediate disputes among them. The judge, having given permission for the presence of electronic equipment, may also order its removal in the event of any disruptions in court proceedings.

A survey was conducted in August 1981, six weeks after the effective date of the rules amendment, to preliminarily determine if serious implementation problems existed. One hundred fifty-five (155) of the state's 235 judges (66%) responded, and of the 61 who had allowed camera coverage, none had experienced any adverse effects on the conduct of trials or hearings. Five (5) respondents stated that they would not allow electronic coverage in the courtroom.



THE CAMPBELL COUNTY ECONOMICAL LITIGATION PROJECT

Concerned about unnecessary delay and costs of civil litigation and about the public image of the courts, Kentucky Supreme Court Chief Justice John S. Palmore requested assistance from the American Bar Association Action Commission to Reduce Court Costs and Delay in early 1980 to address these problems. As a result of the cooperation of the Action Commission, the Kentucky Administrative Office of the Courts, judges, and attorneys, an economical litigation project (ELP) was designed. This project is intended to reduce the costs and delay of civil litigation by reducing the total time from filing to disposition, limiting discovery, encouraging settlement, and emphasizing judicial management of the caseflow. The Circuit Court of Campbell County, the pilot project circuit, is a two-judge, medium caseload, urban court. What follows is a description of the Campbell County Economical Litigation Project—the special rules of civil procedure, the case management system, the results to date, and the future of the program.

Under the special rules of court adopted for the economical litigation project, only civil cases respecting contracts, personal injury, property damage, land condemnation, and termination of parental rights are assigned to the ELP docket. Table 3 compares the ELP and regular docket caseloads by case type. Domestic relations cases which account for approximately 47% of the civil caseload in Campbell County are not included. Planning and scheduling conferences, limits on discovery, and specific time limits for major case events are the primary components of the special rules. Relevant aspects of the rules are as follows:

1. A discovery conference is scheduled within 15 days of the filing of the last responsive pleading or the date that pleadings could have been filed under the regular rules of civil procedure. This conference which includes the trial judge and all parties is essentially designed to plan the course of discovery and discuss any special needs regarding the limits on discovery and case event time. At this conference a pretrial conference is scheduled within 60 days of the discovery conference.

2. Depositions are permitted as a matter of right of parties only. The plaintiff is required to give his deposition prior to that of the defendant. This requirement gives the defendant the opportunity to examine the plaintiff regarding the merits of the cause of action in order to facilitate prompt progress of the case. Depositions of witnesses who will not appear at the trial may be granted under the provisions of the regular rules.

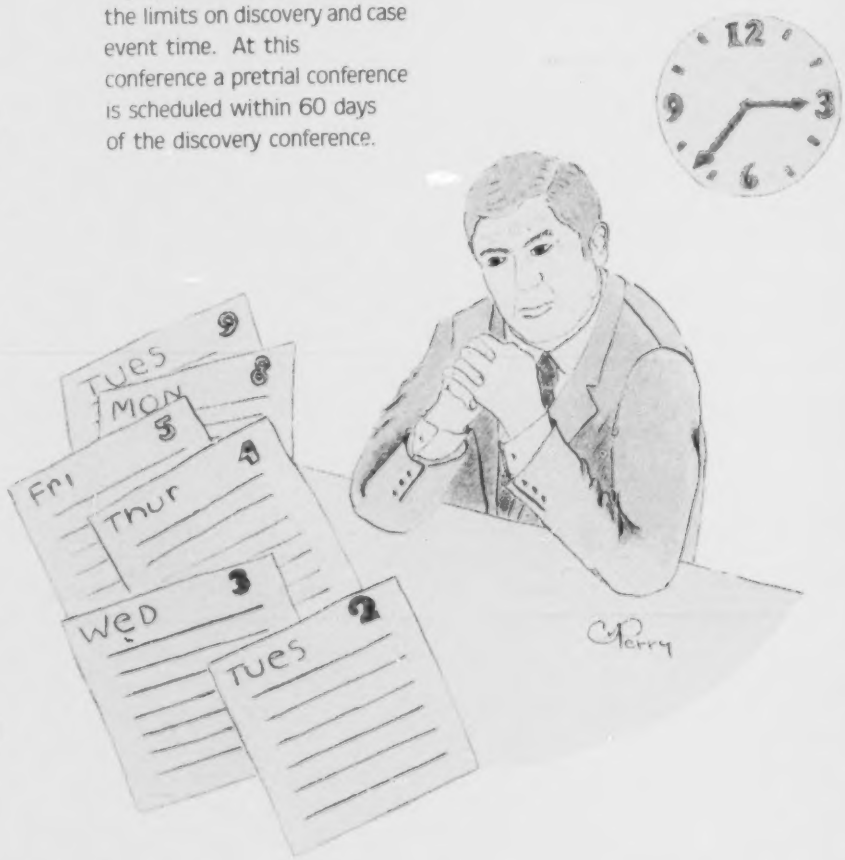


TABLE 3

Case Type Comparison *

Case Type	ELP	Regular Docket
Contract	67%	53%
Personal Injury	19%	19%
Property Damage	11%	12%
Property Rights	3%	6%
	100%	100%

* No adoption-termination of parental rights cases were assigned to the program in its first year.

3. Interrogatories of any party are not to exceed 20 in number, each of which may contain only one question. Prompt exchange, access, and inspection of evidence are also required under these rules unless an objection is raised in which case the court may intervene.

4. An exchange of information including list of witnesses, descriptions of evidence, and concise statements of the issues and facts is required to be submitted to all parties 50 days after the discovery conference or no later than 10 days prior to the pretrial conference. This rule is meant to supplement the limited discovery and promote the narrowing of issues, thus encouraging settlements.

5. At the pretrial conference, settlement may be discussed. However, the assumption is that once a case has reached this point, a trial will be held. Therefore, the pretrial conference serves to gain consensus on the issues and further prepare the case for trial.

6. Under the special rules a firm trial date is to be set at the pretrial conference no later than 30 days after the conference. Due to busy attorney calendars, the chief judge found it more realistic to set a firm trial date at the discovery conference. This practice enables the parties to schedule for trial in 90 days rather than the 30 days after the pretrial conference. Continuances are limited by requiring good cause and notification of the client of the moving attorney.

As can be seen, the special rules require planning and scheduling conferences, limits on depositions and interrogatories, and firm time limits on case events in order to encourage settlement and reduce costs and delay. The effectiveness of these rules depends on the quality of judicial management of the cases on the special docket.

In the Campbell County experiment the successful implementation of the ELP rules can be attributed to a chief judge committed to the concept of economical litigation, an able court administrator, and a cooperative circuit clerk's office. Each of these members of the court guided by the substance and spirit of the special rules is an integral element of a caseflow management system.

The judges, particularly the chief judge, are responsible for communicating the substance and the spirit of the ELP rules to the practicing attorney and insuring the cooperation and compliance of these attorneys. The real task of the judges is establishing judicial control of a docket traditionally controlled by the attorneys. This task is accomplished by insisting that the special rules be adhered to from the first day of the life of a case until its last day. Emphasis is placed on an early discovery conference, and a firm trial date. There is little hesitation to call attorneys if a case is found to be severely lagging behind the targeted event dates.

It is not meant to imply that in the above description that the rules are applied inflexibly. Realistically, the rules are applied discreetly and relief is granted from the requirements of the rules when necessary.

Essential to effective management of the caseflow by the judges are the efforts of the court administrator and the clerk's staff. The clerks are responsible for administering the random assignment procedure for the ELP and regular dockets, and assigning each ELP case a special jacket and case number. Other than these deferences, the ELP cases move through the clerk's office as do all other cases.

At the heart of the case monitoring system is the court administrator. His responsibilities include tracking the ELP cases from filing to disposition; informing the judges of the status of the cases, i.e., those cases pending conferences of trial, those deviating from the targeted track of events, etc.; and notifing parties of conferences, lack of service of the complaint, or failure to respond to the complaint. In order to fulfill these responsibilities the court administrator maintains a manual caseflow tracking system. Such a system enables the administrator to monitor the caseflow closely, flag cases which are not proceeding according to rule, and notify the judges and the attorneys of delay.

With this understanding of the rules and the case management system, an evaluation of the effectiveness of the project is appropriate.

As of June 30, 1982, the results of the Campbell County Economical Litigation Project are dramatic. Based upon the ELP cases closed and a historical sample of civil cases which closed prior to the project in the 17th Circuit, all reported statistics are significant at the .05 level. ELP cases closed at a mean age of five months (151 days) as compared to the 16 months (458 days) mean closing age of the regular docket cases. Overall time from filing to dispositon is reduced by 11 months. Additionally, there are reductions in processing time of every major case event in the ELP cases that went to trial:

1. Pleadings are completed 1 1/3 months earlier than in the regular docket cases,

2. Discovery is completed 10 months earlier;

3. Pretrial is reached 6 1/2 months earlier; and

4. Trial is held 1 1/2 months earlier.

Table 4 compares the flow of ELP cases that went to trial to the regular docket cases which reached trial. Although there are a variety of other statistics available on other facets of the project, the numbers cited demonstrate the effectiveness of the economical litigation project in reducing delay in civil cases. Thus delay is reduced, what about costs?

The question of litigation costs is primarily related to attorney time expanded per case and the number of discovery devices filed per case. In an attempt to capture information on cost, the ABA Action Commission surveyed the attorneys practicing in the Campbell circuit. The findings of the Commission indicate that there are cost savings in terms of attorney time spent on ELP cases. Of the attorneys surveyed, 51% reported spending less time overall on ELP cases while 60%

TABLE 4

Speed of Litigation
(Mean Time in Days)

	Filing to 1st Answer	1st Discovery Event to Last Discovery Event	Pretrial Conference to 1st Trial Day	Final Trial Day to Final Disposition
ELP Docket	27	56	83	12
Regular Docket	56	346	115	65

reported spending less time in formal discovery. Supporting data reveals that fewer depositions and interrogatories are filed in ELP cases. The Action Commission survey finds that five times as many attorneys reported reducing costs to clients in all or nearly all of the ELP cases than in few or none of the cases. It appears from this response that at least some of the costs savings are being passed along to clients.

The results to date from the Campbell County Economical Litigation Project establish its success in reducing delay and costs. The judges and local bar believe the program to be effective and support its continuation. If reducing delay and costs in civil litigation does improve the judicial system, then indeed the Campbell County circuit is the better for the project.

Due to the success of the project in Campbell County, the Kentucky Supreme Court has decided to extend the economical litigation program to the 21st Circuit, a rural, single-judge, multi-county circuit and to the 13th Division of the 30th Circuit, the busiest court in the state. The Campbell County circuit, the 21st Circuit, and the 30th Circuit generally represent the various characteristics of the other 53 circuits in Kentucky. By extending the economical litigation program to these circuits, further evidence can be gathered to determine the viability of the program in different judicial environments.

CRIMINAL RULES REVISION COMMITTEE

At the request of the Judicial Council, a Criminal Rules Revision Committee was formed and worked for two years to develop recommendations for major changes in the Kentucky Rules of Criminal Procedure. Members of the committee were:

Judge Thomas B. Spain, Chairman
Circuit Court, Madisonville

Judge J. B. Johnson
Circuit Court, Williamsburg

Judge John K. Carter
District Court, Louisville

Judge Leonard L. Kopowski
District Court, Newport

Representative Charles R. Holbrook, III
Practicing Attorney and Legislator,
Ashland

Professor Robert G. Lawson
University of Kentucky College of Law,
Lexington

Terence Fitzgerald, Esquire
Office of Public Advocacy, Louisville

James E. McDaniel, Esquire
Commonwealth's Attorney, Owensboro

David E. Murrell, Esquire
Office of Public Advocacy, Frankfort

James M. Ringo, Esquire
Assistant Attorney General, Frankfort

Larry S. Roberts, Esquire
Commonwealth's Attorney, Lexington

J. Thomas Soyars, Esquire
County Attorney, Hopkinsville.

The committee met on 16 occasions before completing its work. The committee proposals were submitted to the Judicial Council and subsequently recommended to the Supreme Court for their consideration. A public hearing on the proposed rules was held on December 9, 1980, after which the Supreme Court began its deliberation. By order of the court entered June 12 1981, to become effective September 1, 1981, certain amendments were adopted.

Many of the amendments adopted by the court were ministerial, but necessary to conform the rules to the present organization of the Court of Justice. The amendments further clarified a number of technical points about which there had been some confusion.

Although 112 amendments were made to the rules, several major changes were especially noteworthy. A new rule was adopted, RCr 4.43, which spells out the method by which a defendant might appeal from the conditions of bail. The rule codifies the case law established in the Court of Appeals case of Abraham v. Commonwealth, which says that review of a circuit court decision on bail is by way of appeal, and which recognizes the remedy of habeas corpus for the review in circuit court of district court decisions.

The traditional secrecy of grand jury proceedings was preserved throughout the body of the rules. Amended RCr 5.24 clearly prohibits all persons present during grand jury proceedings from divulging any testimony, and provides that a violation of the rule is punishable as a contempt of court.

RCr 5.16 mandates that all testimony before a grand jury be recorded, though not necessarily be transcribed. The Commonwealth's Attorney may appoint a stenographer to record the proceedings by shorthand, or an electronic recording device may be used. Failure to record proceedings shall be grounds for dismissal unless failure of the recording device should constitute good cause. Although recorded testimony must remain secret, a defendant indicted by the grand jury may obtain a transcript of the testimony pertinent to his own case upon payment of its reasonable cost.

Under the provisions of RCr 6.02, a criminal defendant charged with an offense constitutionally required to be prosecuted by indictment may waive indictment by notice in writing to the circuit court, and be proceeded against by information, thus eliminating the necessity of waiving the action of the grand jury. This should reduce costs and delay, especially when the defendant wished to plead guilty.

A new rule adopted by the court, RCr 9.26, allows a defendant to waive a jury trial in writing, with approval of the court and consent of the Commonwealth. However, in such cases, the judge is required to make findings of fact.

RCr 7.02 liberalizes the provisions of the criminal rules relating to the issuance of subpoenas, and sets out in full the procedures to be followed in the subpoena process.

Indispensable witness may be required to give bail to insure appearance as a witness under the new provisions of RCr 7.06. This was the present rule, under which the court may commit to custody a witness who fails to give bail, but the new feature is that the court may permit the witness to give a deposition and be discharged from custody.

Several proposals made by the Criminal Rules Revision Committee which would have had a broad impact on criminal justice procedures were rejected by the Supreme Court.

Among those recommended changes the court refused to adopt was proposed RCr 9.84, which called for the judge rather than the jury to fix the penalty in a criminal case. The proposed "judge sentencing" rule has produced a great deal of controversy among the members of the legal profession.

Other recommendations that were not accepted by the Supreme Court included a revision that would allow a defendant to have his attorney present in the grand jury room during deliberations against him. The court also rejected the recommendation to permit a plea of nolo contendere in addition to pleas of guilty or not guilty.

Rules changes which would have enlarged procedures for plea agreement and reciprocal discovery were not adopted by the court.

THE JUDICIAL RETIREMENT AND REMOVAL COMMISSION

Introduction

The Judicial Retirement and Removal Commission operates under Section 121 of the Kentucky Constitution and Supreme Court Rules 4.000 through 4.310. It has jurisdiction over judges of the Supreme Court, Court of Appeals, Circuit Court and District Court. The composition of the Commission is established by Section 121 of the Constitution.

Members of the Commission during FY 1980-82 were:

Ben L. Kessinger, Jr., Esquire
Chairman, Lexington

Judge Kenton Cooper
Court of Appeals, Jamestown

Judge N. Mitchell Meade
Circuit Court, Lexington

Judge Ken G. Corey
District Court, Louisville

Ms. Chloe Gifford
Lexington
*(Deceased-June 1982)

Mr. Drura Scott
Henderson

The Commission, in accordance with Rules of the Supreme Court, has alternate members who serve during such time as a member disqualifies or is otherwise unable to serve or a vacancy exists. The alternate members during the reporting period were as follows:

Honorable Richard Nelson
Attorney, Covington

Judge Paul Gudgel
Court of Appeals, Lexington

Judge William E. Allender
Circuit Court, Bowling Green

Judge Julia Tackett
District Court, Lexington
(Term expired, 1982)

Judge John Adams
District Court, Lexington
(Sworn-in, May 1982)

Mr. Paul Willis served as part-time executive secretary of the Commission from its inception in 1976 until he resigned June 31, 1981. He was succeeded by Robert G. Lawson, who served until becoming Dean of the University of Kentucky College of Law in August 1982, when James D. Lawson was elected as his successor.

Jurisdiction and Authority

The jurisdiction of the Commission falls into three categories: (1) disability; (2) misconduct; and (3) lack of statutory qualification.

It has the authority to order a temporary or permanent retirement of any judge of the Court of Justice whom it finds to be suffering from mental or physical disability that seriously interferes with the performance of his duties. It may issue a private reprimand or public censure or suspend a judge without pay or remove or retire any judge it finds to be guilty of any one or more of the following: (1) misconduct in office; (2) persistent failure to perform his duties; (3) incompetence; (4) habitual

intemperance; (5) violation of the Code of Judicial Conduct, Rule 4.200; (6) any willful refusal or persistent failure to conform to official policies and directives adopted by the Supreme Court and issued by the Chief Justice in his constitutional capacity as Chief executive officer of the Court of Justice; (7) conviction of a crime punishable as a felony. Finally, it is required to remove a judge whom it finds to lack the constitutional and statutory qualifications for the judgeship in question. The rules state that an erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.

Organization and Procedures

The Judicial Retirement and Removal Commission operates independently of the Administrative Office of the Courts. The budget for the Commission is, however, a component of the budget of the Court of Justice and the AOC provides invaluable administrative support to the Commission and its limited staff.

The Commission meets each month, at which time correspondence and complaints are reviewed by members. The Commission has developed a general pattern of inviting judges in for an informal appearance before authorizing a preliminary investigation when a complaint is received which states allegations within the Commission's jurisdiction. This informal appearance may end the Commission's consideration of a complaint without any type of formal sanction being taken.

Where the situation warrants an investigation, the Commission may authorize a preliminary investigation by one or two part-time investigators employed by the Commission. Before a preliminary investigation is conducted, however, the judge is given notice.

Prior to the initiation of formal charges the judge is given an opportunity to examine all factual information, including the name of the complainant, and to supply the Commission with additional information. When formal charges are filed, there is an opportunity to answer the charges and have a formal hearing with right of counsel. Frequently, the Commission employs counsel to present the evidence supporting the charges and generally to handle the hearing for the Commission.

Commission Action

A statistical summary of the matters considered by the Commission during the past year is included on the following page. A number of major cases were brought before the Commission during this period and several actions of importance were taken. One removal was ordered, but one appeal was overturned by the Kentucky Supreme Court which ruled that a district judge could not be removed from office on grounds of having been convicted of an offense punishable as a felony until the judge's appeal of his conviction was affirmed. During 1980-82 three temporary retirements and one permanent retirement for disability were ordered. Several complaints were resolved after an informal appearance by the judges and without the necessity for formal charges.

The number of complaints filed with the Commission increased significantly from 37 in 1980-81 to 73 in 1981-82. As may be seen in the statistical report, the overall level of commission activity was greater in 1981-82 than in 1980-81.

STATISTICAL REPORT
KENTUCKY RETIREMENT AND REMOVAL COMMISSION

Dispositions	1976-77*	1977-78	1978-79	1979-80	1980-81	1981-82
Formal Hearings	0	1	0	1	1	0
Removal	0	0	0	1	1**	0
Disability Retirement						
Permanent	0	0	1	0	0	1
Temporary	0	0	1	0	2	1
Public Censure	0	1+	0	1	0	0
Public Censure and Suspension	—	—	—	—	—	1
Private Reprimands	1	0	3	1	0	1
Resignations During Preliminary Investigation	0	0	1	0	0	0
Complaints Resolved After Informal Investigation	0	0	0	5	3	14
Complaints Resolved After Preliminary Investigation	2	0	2	3	0	5
Complaints Dismissed As Frivolous or Unfounded	4	7	14	10	17	32
Complaints Dismissed As Not Within Jurisdiction	0	0	0	5	8	14
Complaints Resolved After Informal Appearance	3	1	3	6	7	5
Pending						
Following Informal Appearance by Judge	—	—	—	1	0	1
Following Preliminary Investigation	—	—	—	—	2	1
Correspondence* **						
Letters Not Constituting a Verified Complaint	Not Tabulated	35	22	15	28	13

* First Meeting December 7, 1976

** On Appeal

*** Excludes Telephone Inquiries for Information

\+ See **Nicholson v. Judicial Retirement and Removal Commission**, 562 S.W. 2d 642, 1978.

A. Appellate Court Statistics

1. The Supreme Court

The workload of the Supreme Court increased steadily in both FY 81 and FY 82, as shown in Figure 1. Specifically, total filings increased by 6%, i.e., up 55 cases to 991 in FY 81 and then rose another 12%, or 119 cases to 1,110 case filings in FY 82. Concerning the disposition of matters in this court, dispositions had remained essentially stable between FY 81 and FY 82 when dispositions rose by 26.5% to 1,102. Subsequently, FY 82 witnessed a moderate 12% drop in dispositions to 965 although this was still well above the earlier three-year average.

As a result of the increased disposition activity in FY81, the number of pending cases at the end of FY 81 dropped to 254. This constituted the lowest level of pending workload since the Supreme Court was established in 1976. However, with a continued increase in filings in FY 82, particularly discretionary review motions and somewhat lower number of dispositions during this period, the number of pending has risen again to register 399 pending cases at the end of FY 82.

Figure 2 reports the case filings and dispositions for the following case categories in FY 81 and FY 82: motions for transfer and motions for injunctive relief, direct appeals and original actions, discretionary review, and petitions for rehearing.

In both fiscal years, motions for discretionary review comprised the majority of matters filed with the Supreme Court (64% and 67% of the total caseload in FY 81 and FY 82, respectively) as well as the majority of matters disposed. As such, fluctuations in this category are reflected in the court's total workload. For example, in FY 81 it was the increase in discretionary review dispositions to 752 which exceeded discretionary review filings of 629 that in turn accounted for the substantial reduction of the total backlog of the Supreme Court during FY 81. On July 1, 1981, a change in the rules granted attorneys the option of filing a petition for rehearing with the Court of Appeals or filing a motion for discretionary review directly with the Supreme Court within 20 days of receiving an opinion from the Court of Appeals. This appears to have encouraged an increase in discretionary review filings in FY 82 from 629 to 744 during this year. Because of a variety of factors, including the loss of a justice on the Court by death, the dispositions of 664 during this fiscal year did not match the level of FY 81 dispositions or FY 82 filings. Consequently, the backlog for discretionary review matters and the total caseload increased by 80 cases or 61% and 145 or 37%, respectively.

Direct appeals and original actions represent the next largest category of cases handled by the Supreme Court, i.e., 28% or 277 cases in FY 81 and 23% or 256 cases in FY 82. In FY 81, 275 direct appeals and original actions were reported disposed; in FY 82, 196 were disposed. Filings and dispositions in this particular category have declined for the past three years.

Figure 1
SUPREME COURT HISTORICAL

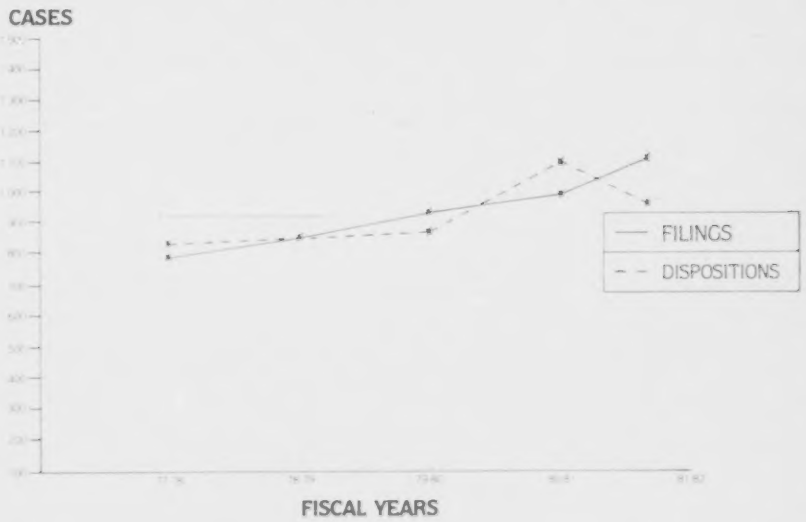
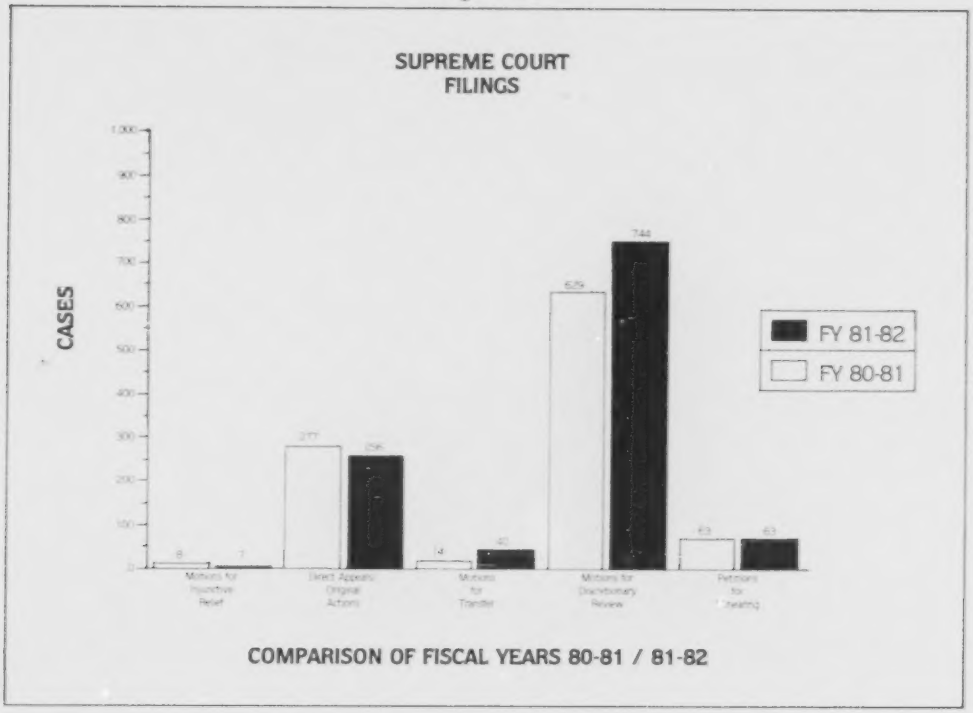
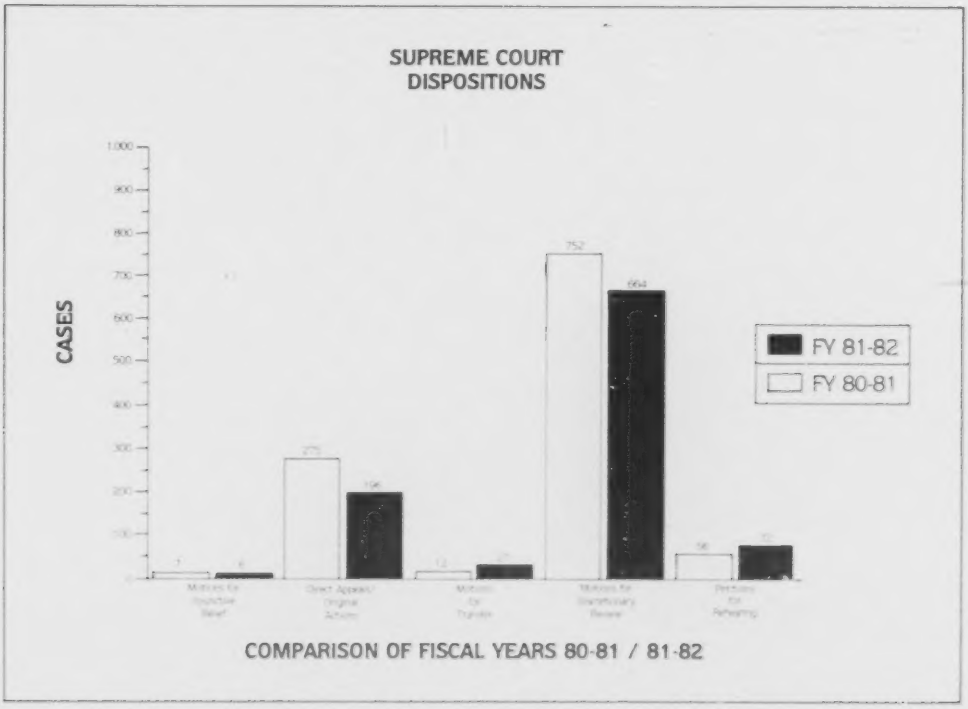


Figure 2


SUPREME COURT
FILINGS
CASES
FY 81-82
FY 80-81
COMPARISON OF FISCAL YEARS 80-81 / 81-82


SUPREME COURT
DISPOSITIONS
CASES
FY 81-82
FY 80-81
COMPARISON OF FISCAL YEARS 80-81 / 81-82

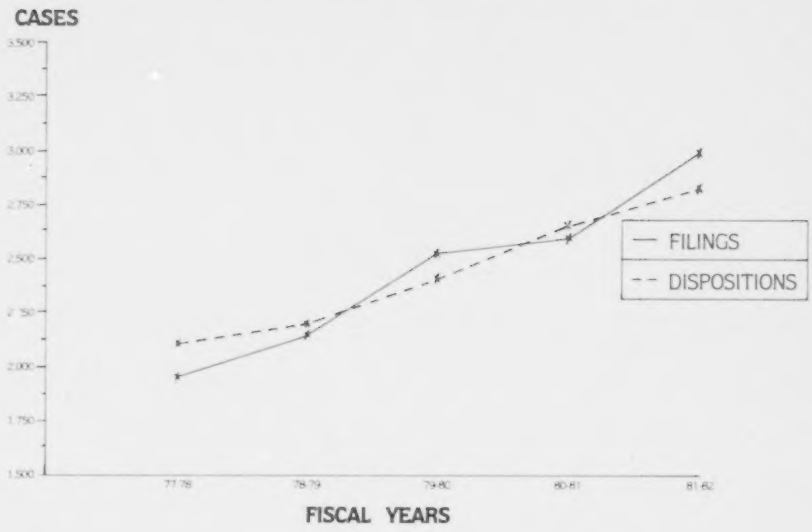
The volume of injunctive relief matters (Rule 65.09) filed and disposed has remained stable for the past three years. In FY 81, eight motions were filed and seven disposed. In FY 82, seven motions were filed and six disposed. Similarly, petitions for rehearing filed have not fluctuated, with 63 filed in both FY 81 and FY 82; 56 and 72 petitions were disposed, respectively.

Between FY 81 and FY 82, the number of transfers increased almost threefold, rising from 14 in FY 81 to 40 in FY 82. This increase appears linked to the adoption of Rule 7.18 which permits the transfer of cases with statewide or broad impact directly to the Supreme Court, thus bypassing the Court of Appeals.

A total of 272 opinions and opinions and orders were issued during FY 82 by the Supreme Court; during FY 81, 282 opinions (300 matters) were reported. Because of a change in reporting, only court orders during the January-June period in 1982 are available. Thus, for the first six months of 1982, 340 orders were reported issued. In addition to these caseload data, other types of motions, such as motions to proceed in forma pauperis, motions to substitute parties or attorneys, or extend time represent a significant workload factor. For example, 814 of these general motions were filed in FY 81 and 947 were filed in FY 82.

In the Statistical Supplement that accompanies this volume, the Supreme Court caseload between FY 78 to FY 82 is reported. Also elaborated in greater detail is the manner of disposition of these various case types.

Figure 3
COURT OF APPEALS HISTORICAL

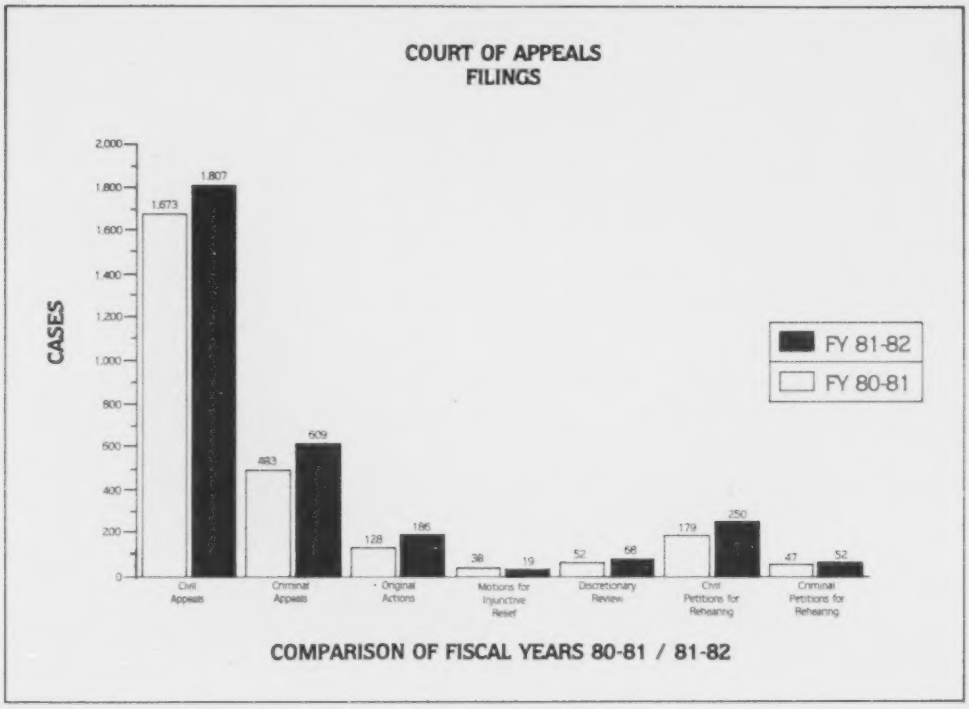


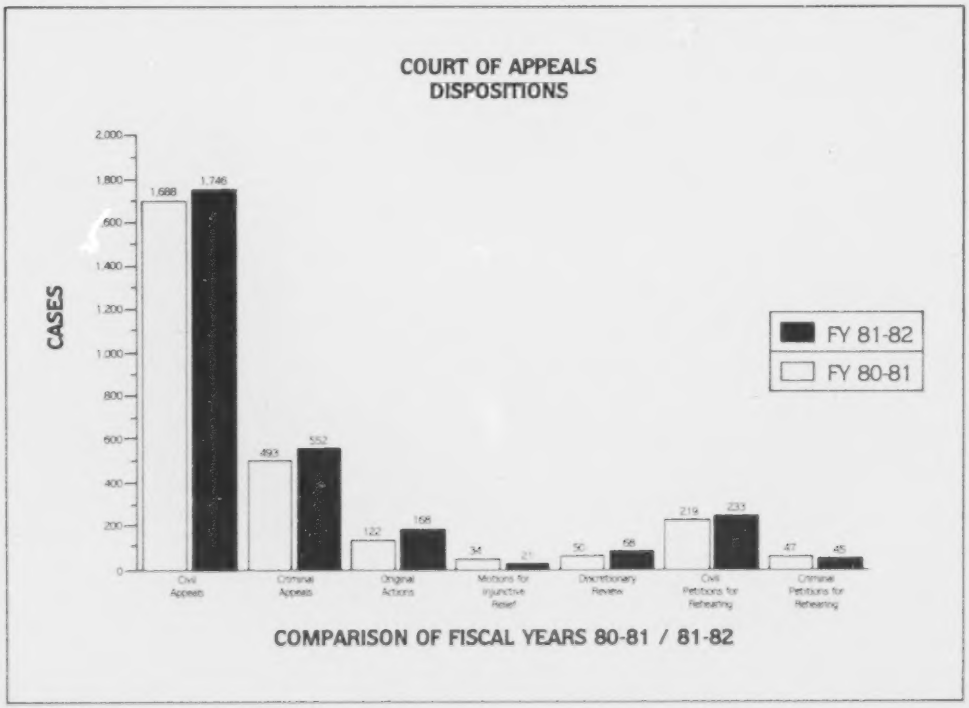
2. The Court of Appeals

Caseload figures in the Court of Appeals have increased 18% over the past two years. Total filings increased slightly (3%) in FY 81 to 2,600 while in FY 82, filings rose sharply, up 391 or 2,991. Dispositions in the Court of Appeals increased by 10% in FY 81 to 2,653 and surpassed the number of filings for this period by 53. In FY 82, dispositions rose again, by 7% to 2,833. Figure 3 graphically illustrates these data. Despite the high level of dispositions in FY 81 and FY 82, the level of pending cases by the end of FY 82 reached 1,247 which represented a 9% increase over the past fiscal years.

As the bar graphs in Figure 4 reveal the largest proportion of matters filed and heard by the Court of Appeals in FY 81 and FY 82 were direct appeals. As such, civil appeals composed approximately two-thirds of all matters filed in these two years; criminal appeals averaged 20% of all matters filed during this time. There was only a slight increase in civil filings in FY 81, i.e., four cases, and moderate increase of 8% or 134 cases in FY 82. Criminal appeals increased by a larger extent, i.e., 10% or 46 cases in FY 81 and 26% or 126 cases in FY 82. In FY 81, the disposition of civil and criminal direct appeals exceeded filings and the backlog for all direct appeals decreased by 25. However, in FY 82, dispositions did not keep pace with the rather large increase in filings so the backlog grew in the civil and criminal categories of direct appeals by 12%. This, in large part, accounted for the increase in pending matters overall for the Court of Appeals.

Figure 4


COURT OF APPEALS
FILINGS
CASES
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
0
1,673
1,807
483
609
128
186
38
19
52
68
179
250
47
52
FY 81-82
FY 80-81
Civil Appeals
Criminal Appeals
Original Actions
Motions for Injunctive Relief
Discretionary Review
Civil Petitions for Rehearing
Criminal Petitions for Rehearing
COMPARISON OF FISCAL YEARS 80-81 / 81-82


COURT OF APPEALS
DISPOSITIONS
CASES
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
0
1,688
1,746
493
552
122
168
34
21
50
68
219
233
47
45
FY 81-82
FY 80-81
Civil Appeals
Criminal Appeals
Original Actions
Motions for Injunctive Relief
Discretionary Review
Civil Petitions for Rehearing
Criminal Petitions for Rehearing
COMPARISON OF FISCAL YEARS 80-81 / 81-82

Although original actions, discretionary review matters, and criminal petitions for rehearing are filed much less frequently than the direct appeals, there has been a steady increase in all these categories' case filings over the past several years. As the display in Figure 4 and historical data contained in the Statistical Supplement reveals, dispositions of these matters have increased by approximately the same proportion as filings, thereby contributing little to the overall backlog of the court. It should be noted that a "discretionary review" case in the Court of Appeals is not counted in the same manner as a "motion for discretionary review" in the Supreme Court. Specifically, they are comparable only if the motion is denied. If a motion for discretionary review is granted in the Court of Appeals, it continues as a "discretionary review" case until it is disposed. If such a motion is granted in the Supreme Court, it is considered disposed and is refiled as an appeal. Despite this difference, the Court of Appeals and Supreme Court do have a common denominator in the original motion for discretionary review.

In FY 81, the filing and disposition of motions for injunctive relief reached a high point, 38 and 34 respectively. In FY 82, filings and dispositions resumed the level of several years previous to FY 81, i.e., 19 filings and 21 dispositions.

Civil petitions for rehearing, until FY 82, had been declining somewhat and dispositions had exceeded filings in the three fiscal years preceding FY 82. However, during FY 82, the petitions increased by 40% and dispositions did not keep pace. This resulted in the backlog of these matters increasing from FY 81's low of 21, to 38 at the end of FY 82.

In addition to the matters already reported, substantial court time has been devoted to handling 3,177 motions of other types in FY 81 and 1,409 motions in the first six months of FY 82. The collection of this data was discontinued in January, 1982 so a complete count for FY 82 is not available.

Specific caseload information from FY 78 to FY 82, i.e., filings and dispositions by case type, can be examined in the Statistical Supplement.

B. Trial Court Statistics

1. The Circuit Courts

Figures 5 and 6 provide a general overview of the trends and current status of caseload in the circuit courts. As Figure 5 illustrates, the number of new case filings has risen steadily from FY 79 to FY 82, going from 70,899 to 84,915 during these years. Similarly, case dispositions (new or old) have increased during this time from 65,778 to 84,630. As the filing "line" indicates however, the rate of increase has stabilized in the past two fiscal years i.e., evidencing a 4% growth rate between FY 80 and FY 81 and .3% growth between FY 81 and FY 82. The rate of increase in the filings in last fiscal year was lower than that of the rate of increase in dispositions which increased 9% between FY 80 and FY 81 and then rose again 4% in FY 82. In both fiscal years, more courts increased their dispositions by a substantial proportion than increased their filings. For example, in FY 81, 52 counties reported

Figure 5
CIRCUIT COURT HISTORICAL

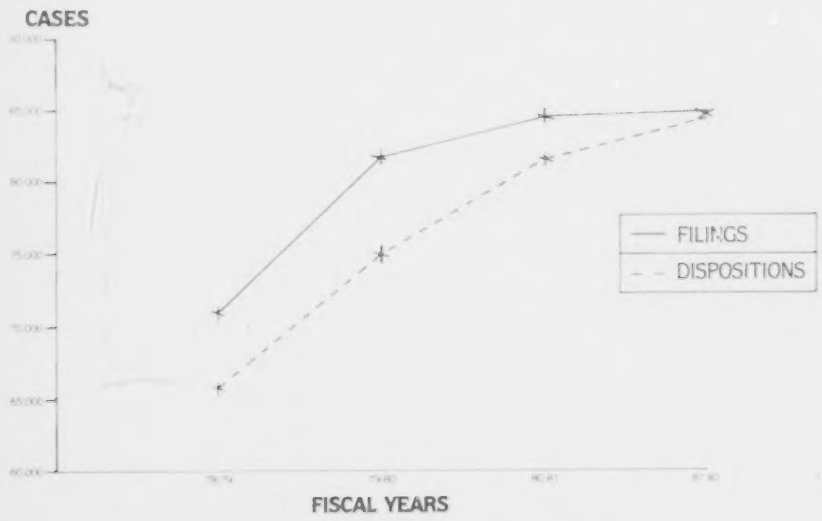
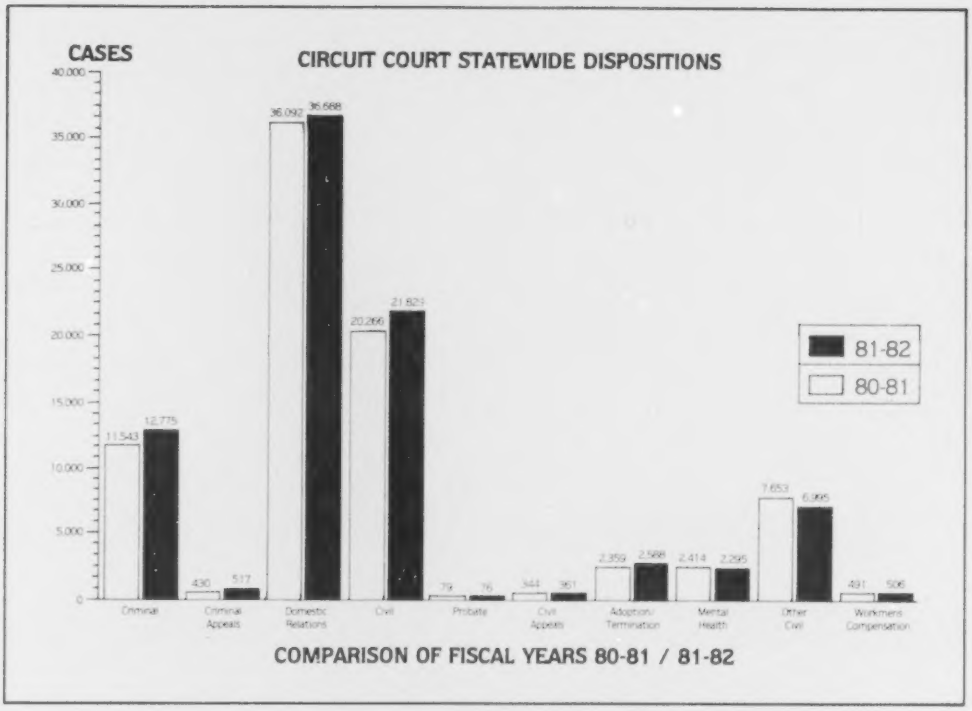
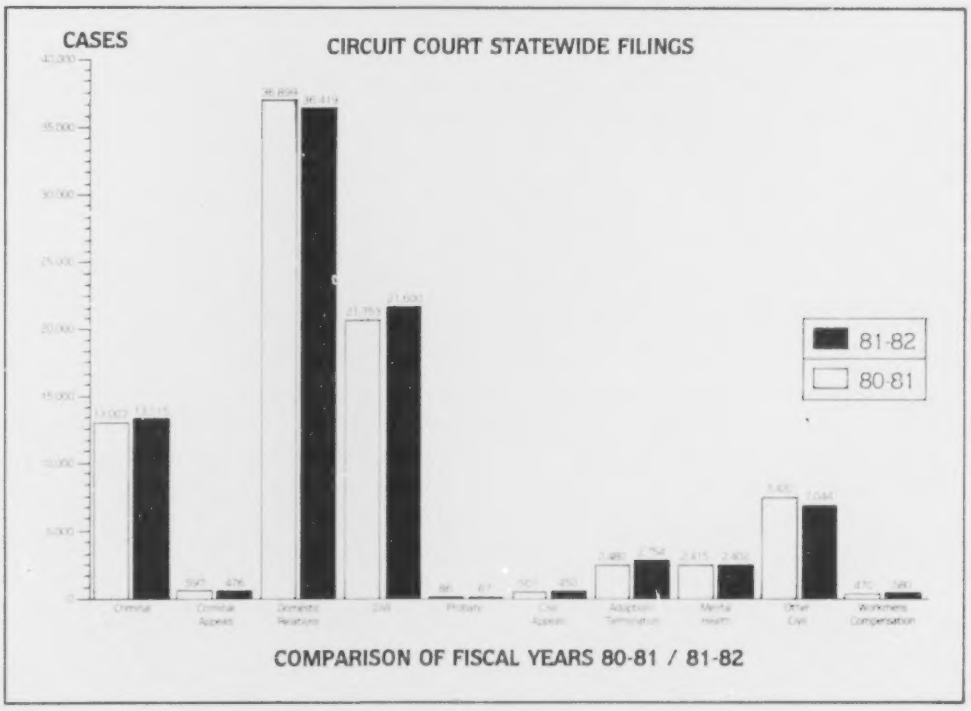


Figure 6


CASES
CIRCUIT COURT STATEWIDE DISPOSITIONS
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
11,543
12,775
430
517
36,092
36,688
20,266
21,829
79
76
344
357
2,359
2,588
2,414
2,295
7,653
6,995
491
506
81-82
80-81
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
COMPARISON OF FISCAL YEARS 80-81 / 81-82


CASES
CIRCUIT COURT STATEWIDE FILINGS
81-82
80-81
COMPARISON OF FISCAL YEARS 80-81 / 81-82

over a 15% increase in dispositions as compared to 23 counties with an increase in filings over 15%. In FY 82, a similar proportion was found, i.e., 41 counties with over a 15% increase in dispositions as compared to 18 counties which increased in filings more than 15%.

The continued rise in dispositions appears closely related to the judges' efforts to purge "old" or nonprogressing cases from their dockets. In addition to the individual efforts of judges, the collective resources of the regional administration program has been directed to jurisdictions that needed assistance in reducing the courts backlog. Major projects of this type have been conducted by judges in both the Southeastern and Eastern Regions.

As a result of this notable case handling activity, the gap between filings and dispositions has obviously been narrowed. In FY 81, an overall clearance rate of 96.5% was produced when the ratio of the number of dispositions during the year (old or new cases) to the number of **new** cases filed was calculated. In FY 82, this clearance ratio was 99.7%. This high ratio represents a lowering of backlog which is a function of the lower growth rate in filings and the continuing efforts of judges to clear dockets by disposing of old, nonprogressive cases.

Figure 6 utilizes bar charts to compare the FY 81 new case filings and FY 81 dispositions by case type to FY 82 filings and dispositions by case type. These bars clearly show how circuit caseload filings have stabilized for the state as a whole and dispositions continue to increase in all categories except probate, mental health proceedings and "other" civil cases. Substantial changes in dispositions were registered in the criminal caseload—up 11% to 12,775, criminal district court appeals—up 20% to 517, civil suits—up 8% to 21,829 and adoption/terminations—up 10% to 2,588. In the categories in which dispositions decreased, i.e., probate, mental health and other civil, it appears there may have been a somewhat erratic jump in FY 81, particularly in other civil case dispositions, that was difficult to maintain in the following year.

The graphs in Figure 6 show that four categories constituted the great majority of circuit court matters in both fiscal years, i.e., domestic relations cases, civil suits, criminal cases and "other" civil cases. In both FY 81 and FY 82, domestic relations cases averaged 44% of the state's total filings and was the largest circuit court case category. The domestic relations category consists primarily of original divorce cases, but also includes post-divorce hearings on matters pertaining to custody, support and visitation. In FY 81, 36,899 domestic relation filings were reported up 4% from the previous year. In FY 82 filings declined slightly to 36,419. Dispositions in both years rose at a higher rate than filings. In FY 82, the 36,688 reported domestic relations dispositions exceeded the FY 82 filings.

The case category with the second highest number of filings in FY 81 and FY 82 was civil suits. While there was no growth in filings in FY 81, a modest increase of 4% was evidenced in FY 82. There were 21,600 filings during FY 82 which constituted 25% of the total circuit caseload. Dispositions averaged a 7% growth in both FY 81 and FY 82 and exceeded filings in FY 82 with 21,829 closed cases reported.

Criminal case filings constituted 15% of the total filings in FY 81 and FY 82. This category had a high rate of growth (15%) in FY 81 but showed only a slight increase in FY 82; 13,115 filings were reported in FY 82, up 108 from FY 81. Likewise, dispositions rose in FY 81 by 17% and then continued to rise another 11% in FY 82, registering 12,775.

Cases categorized as "other civil" suits constituted the fourth largest category of cases in circuit court. These cases include appeals from zoning and other administrative boards, tax appeal cases, uniform reciprocal support cases, Department of Revenue and commonwealth initiated suits, cases involving only injunctive relief, etc. In both FY 81 and FY 82, "other" suits comprised 8% of the total circuit court filings. These suits have registered a modest decline in both fiscal years, i.e., down 5.7% in FY 81 and another 5.1% in FY 82. Dispositions rose significantly (24%) in FY 81 primarily due to a docket purge in Franklin County—a court that handles a substantial portion of the state's "other civil" suits. However, in FY 82, the disposition number declined to much the same degree as filings (9%).

The remaining categories represent a small proportion of the caseload in circuit court, i.e., 3% or less of the total circuit caseload. Even so, several of these categories evidenced large drops, proportionally, in volume between FY 81 and FY 82. For example, criminal district court appeals declined from 597 to 476 in

FY 82 or 20.3%. In contrast, dispositions increased to 517 or 20% in FY 82. Probate cases declined in FY 82, i.e., 22% from 86 to 67. Probate dispositions have remained stable in the past two years, i.e., 79 in FY 81 and 76 in FY 82. Civil district court appeals also showed a modest decline in FY 82, filings down 8.6% from 501 to 458. In contrast, the disposition of civil appeals has risen steadily, with 361 disposed in FY 82. Mental health commitment and competency filings remained virtually stable with 2,415 filings in FY 81 and 2,402 in FY 82. While FY 81 mental health dispositions equalled filings at 2,414, case dispositions dropped below filings in FY 82 when 2,295 were reported. Jurisdiction over mental health proceedings was moved from the circuit court to the district court on July 1, 1982, and will henceforth be reported as district workload.

Workmens compensation case filings dropped by 34.1% or 243 cases in FY 81 to 470, but rose by 110 cases in FY 82 to 580. This is still well below the level of the two years previous to FY 81, i.e., approximately 729. Dispositions followed the filing pattern in FY 81 and dropped by 226 cases (32%) to 491. In FY 82, dispositions increased only slightly, reaching 506. Both filings and dispositions in adoption/termination cases continued their steady increase in FY 81 and FY 82. In FY 82, 2,754 filings and 2,588 dispositions were reported.

Tables 5 and 6 list, respectively, the judicial circuits in rank order of total case filings per judge and dispositions per judge for FY 82. Per judge figures are calculated by dividing the total caseload in a jurisdiction by the number of judges presiding there. Also included on each of these tables are the counties within each circuit, the comparable per judge caseload data and ranks for the FY 81, and the number of judges in the circuit and its region number.

Table 5 shows that filings per judge in FY 82 ranged from 1,380 in Judicial Circuit 34 to 532 in Judicial Circuit 49. The median level of caseload filings for the state is now 901 filings per judge which is up slightly from the FY 81 median of 888. Table 6, dispositions per judge in FY 82 are found to range between 2,095 in the 41st Circuit to 515 in Circuit 23. The median level of dispositions was 890 per judge which is up from 860 per judge in FY 81. As mentioned earlier, there have been several docket "purges" conducted through the auspices of the Regional Administration Program, i.e., several thousand of such cases have been handled in the Southeastern and Eastern Region. Other major docket clearing efforts have been the result of individual efforts, i.e., the 51st Circuit and 48th Circuit in FY 81, or with assistance of AOC Clerk Services staff, i.e. in Union, Webster, Knott and Magoffin Counties. Accordingly, the disposition figures in these courts rose beyond the level of previous years.

An examination of the caseload information in these tables reveals that the level of caseload filed and disposed varies and reflects the diversity in court environments across the state. Jurisdictions differ by the number of counties and judges in the circuits, the amount of travel required, the available support staff and facilities as well as community characteristics such as population growth and jail and social service facilities. When comparing the rank ordering of circuit or district court dispositions per judge between years, it should be noted that dispositions are subject to greater variation over time than are filings, both in number of cases and rankings. Disposition figures can change radically from year to year particularly when a judge calls the docket and disposes of a large number of unenhanced cases on a single order. The "purge" of backlogged cases has occurred in several jurisdictions during this year. In contrast, case filings per judge do not depend upon any actions of the court, but rather the characteristics of the community and law enforcement—which tend to change more slowly. Therefore, it must be remembered that while the caseload information in Table 5 and 6 is a useful tool for comparing workload, it is not the sole indicator of time and effort expended by the judge.

In summary, circuit court filings in both FY 81 and FY 82 continue to increase, but at a lesser rate than dispositions. This lower rate of increase in filings relative to dispositions resulted in a 56.4% decrease in backlog in FY 81 and 90.4% decrease by FY 82. Whether the trend of lowered filings is linked to a slower economy or some other factor has yet to be established. In any case, this filing trend has permitted many courts to direct their attention to their pending caseload and resulted in an improved clearance rate for the circuit court.

The Statistical Supplement that accompanies this volume provides an overview of the filing and disposition trends for the four fiscal years since FY 78-79. Also available in this Supplement is detailed caseload information for each circuit and the counties that compose it for FY 81 and FY 82.

Table 1

FISCAL YEAR 1981-1982 RANKED TOTAL CIRCUIT COURT

CASE FILINGS PER JUDGE

81-82 RANK	81-82 FILINGS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				80-81 FILINGS PER JUDGE		NO. OF JUDGES	CIRC REGION NO.
							NO.	RANK		
1	1380	# 34	MCCREARY	WHITLEY			1376	(1)	1	8
2	1346**	# 54	BOONE	GALLATIN			1305	(2)	1	6
3	1302	# 51	HENDERSON				1152	(6)	1	2
4	1232**	# 14	BOURBON	SCOTT	WOODFORD		1114	(8)	1	5
5	1222	# 31	FLOYD				1248	(4)	1	10
6	1207**	# 6	DAVIESS				1170	(5)	2	3
7	1175**	# 28	PULASKI	ROCKCASTLE			1136	(7)	1	8
8	1149	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1095	(12)	1	4
9	1149**	# 35	PIKE				1099	(11)	2	10
10	1128	# 41	CLAY	JACKSON	LESLIE		1304	(3)	1	9
11	1105**	# 13	GARRARD	JESSAMINE	LINCOLN		1113	(9)	1	8
12	1093	# 22	FAYETTE				1016	(20)	6	
13	1070**	# 8	WARREN				1051	(16)	2	3
14	1058	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	1061	(15)	1	9
15	1054	# 42	CALLOWAY	MARSHALL			1103	(10)	1	1
16	1015	# 9	HARDIN				971	(25)	2	4
17	1011**	# 17	CAMPBELL				958	(26)	2	6
18	1010	# 26	HARLAN				1028	(17)	1	10
19	997**	# 30	JEFFERSON				1023	(19)	16	
20	966	# 20	GREENUP	LEWIS			1077	(14)	1	7
21	964	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	885	(29)	1	4
22	945**	# 12	HENRY	OLDHAM	TRIMBLE		977	(23)	1	5
23	933**	# 10	HART	LARUE	NELSON		999	(21)	1	4
24	921**	# 4	HOPKINS				1027	(18)	1	2
25	921	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	892	(28)	1	1
26	918**	# 50	BOYLE	MERCER			979	(22)	1	8
27	906**	# 48	FRANKLIN				1079	(13)	2	5
28	902**	# 32	BOYD				940	(27)	2	7
29	901	# 46	BRECKINRIDGE	GRAYSON	MEADE		825	(35)	1	3
30	888	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	975	(24)	1	3
31	873	# 40	CLINTON	RUSSELL	WAYNE		825	(34)	1	4
32	849	# 53	ANDERSON	SHELBY	SPENCER		694	(46)	1	5
33	827	# 7	LOGAN	TODD			785	(38)	1	2
34	826	# 43	BARREN	METCALFE			836	(33)	1	4
35	821	# 36	KNOTT	MAGOFFIN			819	(36)	1	10
36	820	# 16	KENTON				845	(32)	4	6
37	816	# 45	MCLEAN	MUHLENBERG			882	(30)	1	2
38	812**	# 25	CLARK	MADISON			796	(37)	2	9
39	804**	# 37	CARTER	ELLIOTT	MORGAN		740	(41)	1	7
40	786	# 39	BREATHITT	POWELL	WOLFE		740	(42)	1	9
41	775**	# 27	KNOX	LAUREL			874	(31)	2	8
42	765	# 15	CARROLL	GRANT	OWEN		719	(44)	1	5
43	759	# 44	BELL				741	(40)	1	8
44	752	# 55	BULLITT				634	(50)	1	4
45	750	# 5	CRITTENDEN	UNION	WEBSTER		741	(39)	1	2
46	720**	# 3	CHRISTIAN				720	(43)	2	2
47	719	# 33	PERRY				700	(45)	1	10
48	704	# 23	ESTILL	LEE	OWSLEY		582	(54)	1	9
49	699**	# 24	JOHNSON	LAWRENCE	MARTIN		676	(48)	2	7
50	679**	# 2	MCCRACKEN				689	(47)	2	1
51	665**	# 19	BRACKEN	FLEMING	MASON		577	(55)	1	6
52	660	# 47	LETCHER				645	(49)	1	10
53	621	# 52	GRAVES				626	(52)	1	1
54	606	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	586	(53)	1	1
55	556**	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	553	(56)	1	6
56	532	# 49	ALLEN	SIMPSON			633	(51)	1	3

MEDIAN PER-JUDGE FILINGS = 901

STATEWIDE MEAN (AVERAGE) = 933

Table 6

FISCAL YEAR 1981-1982 RANKED TOTAL CIRCUIT COURT CASE DISPOSITIONS PER JUDGE

81-82 RANK	81-82 DISPOSITIONS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				80-81 DISPOSITIONS PER JUDGE NO.	80-81 DISPOSITIONS PER JUDGE RANK	NO. OF JUDGES	CIRC. REGION NO.
1	2095	# 41	CLAY	JACKSON	LESLIE		961	(16)	1	9
2	1665	# 34	MCCREARY	WHITLEY			1626	(1)	1	8
3	1403	# 31	FLOYD				1547	(2)	1	10
4	1344	# 51	HENDERSON				978	(12)	1	2
5	1286	# 9	HARDIN				974	(13)	2	4
6	1261**	# 54	BOONE	GALLATIN			1166	(6)	1	6
7	1142**	# 28	PULASKI	ROCKCASTLE			1080	(7)	1	8
8	1127**	# 6	DAVIESS				1198	(5)	2	3
9	1103**	# 35	PIKE				1019	(11)	2	10
10	1073	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1030	(10)	1	4
11	1061	# 44	BELL				803	(33)	1	8
12	1051	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	961	(15)	1	9
13	1029	# 39	BREATHITT	POWELL	WOLFE		639	(45)	1	9
14	1026	# 22	FAYETTE				884	(26)	6	-
15	1024**	# 48	FRANKLIN				1433	(3)	2	5
16	1016**	# 27	KNOX	LAUREL			960	(17)	2	8
17	1012**	# 12	HENRY	OLDHAM	TRIMBLE		956	(19)	1	5
18	1011	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	855	(30)	1	1
19	1000**	# 50	BOYLE	MERCER			972	(14)	1	8
20	993**	# 30	JEFFERSON				1039	(9)	16	-
21	968**	# 32	BOYD				862	(28)	2	7
22	957	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	763	(35)	1	3
23	946	# 43	BARREN	METCALFE			681	(40)	1	4
24	940**	# 4	HOPKINS				941	(21)	1	2
25	926**	# 14	BOURBON	SCOTT	WOODFORD		1058	(8)	1	5
26	911**	# 10	HART	LARUE	NELSON		811	(32)	1	4
27	902	# 26	HARLAN				1241	(4)	1	10
28	891	# 45	MCLEAN	MUHLENBERG			813	(31)	1	2
29	889**	# 8	WARREN				916	(23)	2	3
30	889	# 46	BRECKINRIDGE	GRAYSON	MEADE		905	(25)	1	3
31	877	# 7	LOGAN	TODD			637	(46)	1	2
32	853**	# 20	GREENUP	LEWIS			750	(36)	1	7
33	853**	# 25	CLARK	MADISON			740	(37)	2	9
34	831	# 42	CALLOWAY	MARSHALL			910	(24)	1	1
35	814	# 5	CRITTENDEN	UNION	WEBSTER		639	(44)	1	2
36	811	# 33	PERRY				616	(47)	1	10
37	780**	# 17	CAMPBELL				873	(27)	2	6
38	757	# 16	KENTON				859	(29)	4	6
39	752**	# 3	CHRISTIAN				609	(49)	2	2
40	746	# 53	ANDERSON	SHELBY	SPENCER		708	(39)	1	5
41	744**	# 13	GARRARD	JESSAMINE	LINCOLN		956	(20)	1	8
42	739	# 15	CARROLL	GRANT	OWEN		786	(34)	1	5
43	728	# 40	CLINTON	RUSSELL	WAYNE		654	(43)	1	4
44	721**	# 2	MCCRACKEN				663	(42)	2	1
45	692**	# 24	JOHNSON	LAWRENCE	MARTIN		737	(38)	2	7
46	672	# 36	KNOTT	MAGOFFIN			452	(56)	1	10
47	650**	# 37	CARTER	ELLIOTT	MORGAN		958	(18)	1	7
48	644	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	493	(55)	1	4
49	603	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	664	(41)	1	1
50	603	# 55	BULLITT				564	(52)	1	4
51	602	# 47	LETCHER				928	(22)	1	10
52	583**	# 19	BRACKEN	FLEMING	MASON		608	(50)	1	6
53	535	# 49	ALLEN	SIMPSON			595	(51)	1	3
54	529	# 52	GRAVES				499	(54)	1	1
55	518**	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	615	(48)	1	6
56	515	# 23	ESTILL	LEE	OWSLEY		503	(53)	1	9

MEDIAN PER JUDGE DISPOSITIONS = 890

STATEWIDE MEAN (AVERAGE) = 930

2. The District Courts

The district court historical line graph, Figure 7, illustrates that the decrease in filings in FY 81-82 was a culmination of the decreasing growth rate of filings in past years. It is also apparent that dispositions continued to increase at a relatively stable rate. The rates of change in filings for FY 1979-80, FY 1980-81, and FY 1981-82 are 9.4%, 1.4%, and -4.2% respectively. The growth rates for disposition in those same years are 13.2%, 2.4%, and 3.3% respectively. Increasing dispositions and decreasing filings result in a reduction of the number of cases pending in district court. At the beginning of FY 1980-81, there were 84,471 cases pending. By the end of FY 1981-82, this number was reduced by 60% to 33,807. Athough the case backlog was reduced, the 94.6% clearance rate for FY 1981-82 reveals that dispositions fell behind filings by 3.4%.

Filings in two of the seven case categories, traffic and misdemeanor, account for approximately 71% of the total filings with the remaining percentage of filings relatively evenly distributed among the other five categories. The bar chart for filings, Figure 8, shows that traffic filings in FY 1981-82 decreased by 21,236 cases or 7.4% from filings in the previous fiscal year. This decrease represents a dramatic change in the trend for case filings since traffic filings have increased every year since 1978 with a .3% decrease coming in FY 1980-81. During FY 1981-82, a majority of counties (71) reported some level of decrease in their traffic filings. It appears that this decrease is due to the increased demand for wider police agency enforcement in other areas of law while these agencies continue to operate on austere budgets. It should be noted that the 13.9% decrease in Jefferson County traffic filings in FY 1981-82, the highest volume filings in the state, amounts to 68% of the decreased in statewide traffic filings. In FY 1981-82 there were 49 counties which traffic filings increased to some degree with 23 of these counties reporting increases of 15% or more. The disposition of traffic cases has held at a relatively stable rate with a 1% decrease in FY 1980-81 and a 1% increase in FY 1981-82. Misdemeanors, the second largest case category, comprised 28% of the total filings in FY 1980-81 and FY 1981-82. Filings in this category decreased statewide by 1.5% while dispositions increased by 4%. Again, a high volume caseload county, Fayette, is responsible for 39% of the decrease in total misdemeanor filings. Neither Jefferson nor Fayette contributed to the increase in dispositions. Rather, this overall increase is due to increases of 10% or more in 32 of the other counties.

It is interesting to note the relative changes in the small claims and civil suits categories. Filings in small claims increased by 14.5% in FY 1980-81 as compared to a 6.1% increase in FY 1979-80. On the other hand, the filings of civil suits increased by only 1.0% in FY 1980-81, whereas this category increased by 13.1% in the previous fiscal year. The increased rate of filings in small claims and the decreased rate in civil suits appears to be the result of legislative amendments to KRS 24A.230 which became effective on July 1, 1980. This statute raised the small claims jurisdiction from $500 to $1,000 and appears to have made the use of this court more attractive. These relative changes held true in FY 1981-82. Small claims filings decreased by 12 cases while civil suits filings decreased by 2933 cases. Dispositions in both these caes categories continue to increase.

Figure 7
DISTRICT COURT HISTORICAL

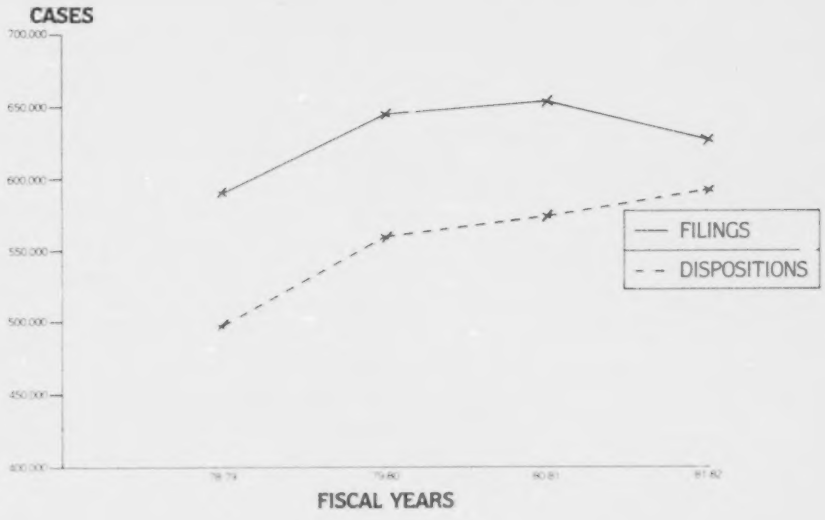
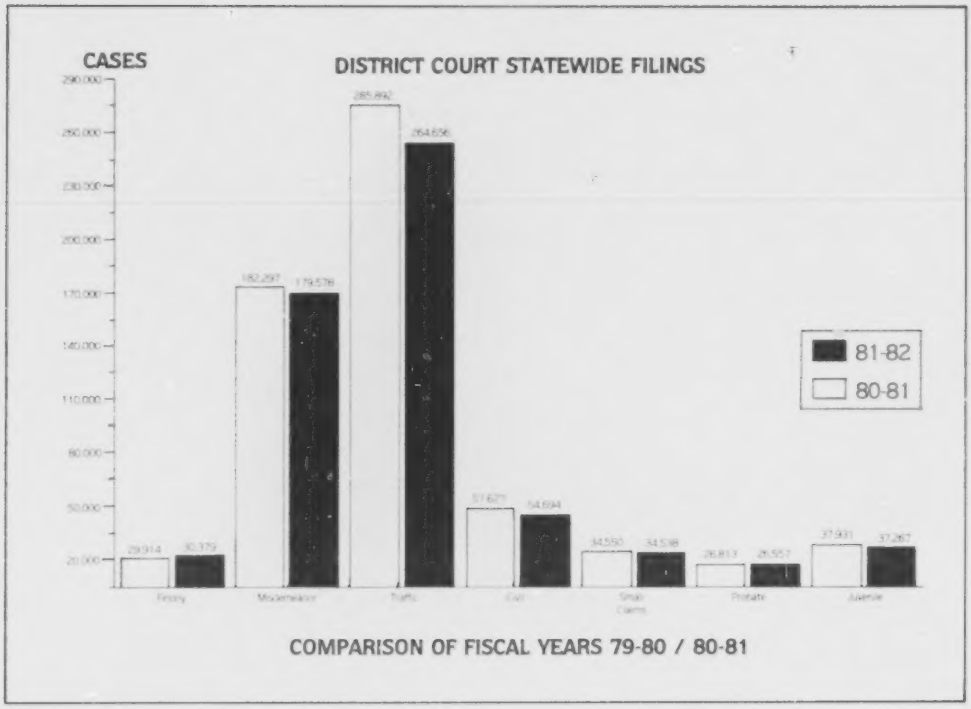
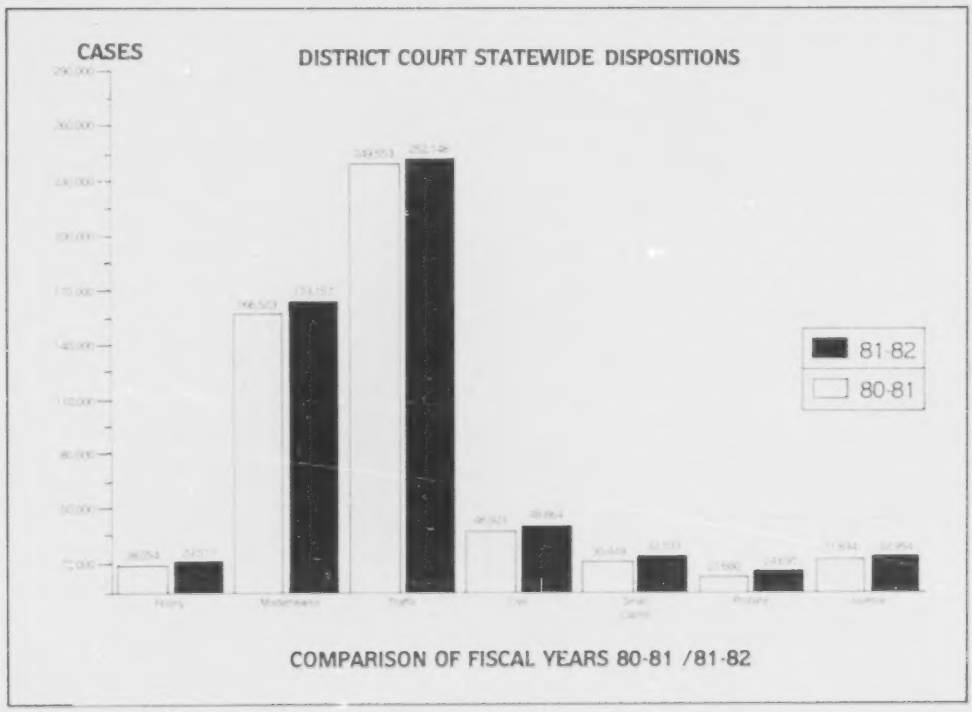


Figure 8


CASES
DISTRICT COURT STATEWIDE FILINGS
81-82
80-81
COMPARISON OF FISCAL YEARS 79-80 / 80-81


CASES
DISTRICT COURT STATEWIDE DISPOSITIONS
81-82
80-81
COMPARISON OF FISCAL YEARS 80-81 /81-82

Filings and dispositions in felony cases increased significantly in FY 1980-81 and continued to increase in FY 1981-82 though at a lower rate. In FY 1980-81 filings increased 12.8% while dispositions increased by 13.4%. Filings and dispositions increased by 1.6% and 5.2% respectively in FY 1981-82. Sixty-four counties reported an increase in felony filings in FY 1981-82 with 41 of these counties reporting increases of 15% or more.

The probate and juvenile case categories each declined in filings and increased in dispositions for FY 1981-82. Probate filings decreased by 1% while dispositions increased by 14.3%. The 43.3% increase in Jefferson County probate dispositions accounted for 67% of the increase in statewide probate dispositions. Filings in the juvenile case category decreased by 1.8% from FY 1980-81 while dispositions increased by 3.5%. As in the other case categories, the number of pending cases in the probate and juvenile categories declined.

Tables 7 and 8 list the judicial districts in rank order of total case filings and dispositions per judge, respectively. For FY 1981-82 district court case filings per judge range from 9385 in the 22nd District to 1886 in the 18th District. With the addition of district judges in Districts 4, 10, 15, 24, 34, 40, 41, 48 and 50 in January, 1981, the filings in these previously high workload counties have been reduced to caseload level at the median (4433) and below. District court dispositions per judge range from 9063 in the 26th District to 1804 in the 18th District. As noted in the Circuit Court Section, differences in caseload filings and dispositions must be expected as the courts in the state vary widely in terms of size, travel required, support staff and other factors.

In summary, filings increased by a slight 1.4% in FY 1980-81 and decreased by 4.2% in FY 1981-82. The 8.8% decrease in filings in Jefferson County accounted for 63% of the decrease in the statewide total for FY 1981-82. Dispositions for both years increased at a greater rate than filings, which means that the number of cases pending in district court decreased. However, despite the higher number of cases handled in the district courts, filings continued to outpace dispositions.

An historical overview of caseload filings and dispositions since FY 78 for the state and a specific breakdown on FY 81 and 82 caseload for the district and each county that composes it can be found in the Statistical Supplement that accompanies this volume.

Table 7

FISCAL YEAR 1981-1982 RANKED TOTAL DISTRICT COURT CASE FILINGS PER JUDGE

81-82 RANK	81-82 FILINGS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				80-81 FILINGS PER JUDGE NO.	80-81 FILINGS PER JUDGE RANK	NO. OF JUDGES	NO. OF TRIAL COMM.
1	9385	# 22	FAYETTE				9179	(1)	6	0
2	7766	# 30	JEFFERSON				8514	(2)	23	0
3	6844	# 26	HARLAN				8003	(3)	1	2
4	6226	# 8	WARREN				6661	(8)	2	0
5	6192	# 44	BELL				6889	(4)	1	0
6	6025	# 39	BREATHITT	POWELL	WOLFE		6844	(5)	1	2
7	5941	# 33	PERRY				5992	(10)	1	1
8	5871	# 36	KNOTT	MAGOFFIN			5230	(15)	1	2
9	5638	# 27	KNOX	LAUREL			5168	(16)	2	2
10	5586	# 35	PIKE				5670	(12)	2	3
11	5475	# 42	CALLOWAY	MARSHALL			6701	(6)	1	1
12	5470	# 31	FLOYD				6226	(9)	1	2
13	5455	# 25	CLARK	MADISON			5605	(13)	3	0
14	5343	# 55	BULLITT				4750	(23)	1	0
15	5250	# 54	BOONE	GALLATIN			6674	(7)	2	1
16	5171	# 37	CARTER	ELLIOTT	MORGAN		5037	(19)	1	3
17	5170	# 5	CRITTENDEN	UNION	WEBSTER		5782	(11)	1	3
18	5156	# 43	BARREN	METCALFE			5135	(18)	1	2
19	5107	# 14	BOURBON	SCOTT	WOODFORD		4911	(20)	2	2
20	5086	# 19	BRACKEN	FLEMING	MASON		4838	(21)	1	2
21	4806	# 2	MCCRACKEN				5277	(14)	2	0
22	4619	# 47	LETCHER				4341	(29)	1	1
23	4569	# 51	HENDERSON				4798	(22)	2	0
24	4556	# 16	KENTON				4340	(30)	4	0
25	4528	# 45	MCLEAN	MUHLENBERG			5155	(17)	1	1
26	4526	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4544	(27)	2	2
27	4506	# 24	JOHNSON	LAWRENCE	MARTIN		4290	(32)	2	1
28	4489	# 7	LOGAN	TODD			4561	(25)	1	1
29	4377	# 11	GREEN	MARION	TAYLOR	WASHINGTON	4072	(33)	2	3
30	4321	# 20	GREENUP	LEWIS			4526	(28)	1	2
31	4312	# 28	PULASKI	ROCKCASTLE			3708	(38)	2	1
32	4282	# 9	HARDIN				3973	(36)	2	1
33	4199	# 6	DAVIESS				4304	(31)	3	0
34	4188	# 3	CHRISTIAN				4622	(24)	2	0
35	3949	# 4	HOPKINS				4011	(34)	2	0
36	3889	# 41	CLAY	JACKSON	LESLIE		3679	(39)	2	1
37	3784	# 13	GARRARD	JESSAMINE	LINCOLN		3548	(41)	2	1
38	3691	# 48	FRANKLIN				4558	(26)	2	1
39	3670	# 23	ESTILL	LEE	OWSLEY		3293	(47)	1	2
40	3555	# 17	CAMPBELL				3980	(35)	3	0
41	3546	# 46	BRECKINRIDGE	GRAYSON	MEADE		3540	(42)	2	1
42	3510	# 40	CLINTON	RUSSELL	WAYNE		3004	(50)	2	1
43	3455	# 32	BOYD				3795	(37)	2	0
44	3236	# 34	MCCREARY	WHITLEY			3573	(40)	2	1
45	3186	# 10	HART	LARUE	NELSON		3208	(48)	2	1
46	3112	# 52	GRAVES				3396	(43)	1	0
47	3102	# 12	HENRY	OLDHAM	TRIMBLE		3384	(44)	2	1
48	3087	# 15	CARROLL	GRANT	OWEN		2794	(52)	2	1
49	3083	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2906	(51)	2	2
50	3075	# 49	ALLEN	SIMPSON			3382	(45)	1	1
51	2968	# 53	ANDERSON	SHELBY	SPENCER		3127	(49)	2	1
52	2641	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2654	(53)	2	3
53	2615	# 50	BOYLE	MERCER			3357	(46)	2	0
54	2325	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2606	(54)	2	2
55	2323	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2500	(55)	2	2
56	1886	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1883	(56)	2	2

MEDIAN PER JUDGE FILINGS = 4433

STATEWIDE MEAN (AVERAGE) = 5103

Table 8

FISCAL YEAR 1981-1982 RANKED TOTAL DISTRICT COURT CASE DISPOSITIONS PER JUDGE

81-82 RANK	81-82 DISPOSITIONS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				80-81 DISPOSITIONS PER JUDGE NO.	80-81 DISPOSITIONS PER JUDGE RANK	NO. OF JUDGES	NO. OF TRIAL COMM.
1	9063	# 26	HARLAN				6263	(5)	1	2
2	8748	# 22	FAYETTE				8569	(1)	6	0
3	6790	# 30	JEFFERSON				6773	(2)	23	0
4	6572	# 8	WARREN				6217	(7)	2	0
5	6175	# 39	BREATHITT	POWELL	WOLFE		6425	(4)	1	2
6	5881	# 42	CALLOWAY	MARSHALL			6449	(3)	1	1
7	5854	# 44	BELL				6255	(6)	1	0
8	5752	# 37	CARTER	ELLIOTT	MORGAN		4423	(20)	1	3
9	5650	# 54	BOONE	GALLATIN			5829	(8)	2	1
10	5605	# 31	FLOYD				5692	(9)	1	2
11	5548	# 36	KNOTT	MAGOFFIN			4149	(26)	1	2
12	5487	# 5	CRITTENDEN	UNION	WEBSTER		5065	(11)	1	3
13	5431	# 43	BARREN	METCALFE			4844	(14)	1	2
14	5186	# 14	BOURBON	SCOTT	WOODFORD		4263	(23)	2	2
15	5139	# 25	CLARK	MADISON			5054	(12)	3	0
16	5139	# 27	KNOX	LAUREL			4125	(28)	2	2
17	5127	# 33	PERRY				5430	(10)	1	1
18	5005	# 19	BRACKEN	FLEMING	MASON		4543	(17)	1	2
19	4964	# 55	BULLITT				4538	(18)	1	0
20	4769	# 45	MCLEAN	MUHLENBERG			4671	(15)	1	1
21	4655	# 2	MCCRACKEN				4920	(13)	2	0
22	4502	# 51	HENDERSON				4490	(19)	2	0
23	4493	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4164	(25)	2	2
24	4487	# 7	LOGAN	TODD			4080	(29)	1	1
25	4399	# 24	JOHNSON	LAWRENCE	MARTIN		4003	(31)	2	1
26	4388	# 3	CHRISTIAN				4612	(16)	2	0
27	4270	# 16	KENTON				4023	(30)	4	0
28	4178	# 47	LETCHER				4143	(27)	1	1
29	4177	# 28	PULASKI	ROCKCASTLE			3453	(36)	2	1
30	4154	# 6	DAVIESS				4260	(24)	3	0
31	4125	# 20	GREENUP	LEWIS			4384	(22)	1	2
32	4075	# 11	GREEN	MARION	TAYLOR	WASHINGTON	3824	(34)	2	3
33	4058	# 35	PIKE				4400	(21)	2	3
34	3957	# 9	HARDIN				3705	(35)	2	1
35	3746	# 17	CAMPBELL				3841	(33)	3	0
36	3690	# 41	CLAY	JACKSON	LESLIE		3107	(47)	2	1
37	3536	# 4	HOPKINS				3227	(41)	2	0
38	3498	# 48	FRANKLIN				3850	(32)	2	1
39	3453	# 13	GARRARD	JESSAMINE	LINCOLN		3254	(40)	2	1
40	3453	# 34	MCCREARY	WHITLEY			3222	(43)	2	1
41	3449	# 23	ESTILL	LEE	OWSLEY		2837	(49)	1	2
42	3390	# 32	BOYD				3447	(37)	2	0
43	3389	# 40	CLINTON	RUSSELL	WAYNE		2758	(50)	2	1
44	3310	# 52	GRAVES				3205	(44)	1	0
45	3298	# 46	BRECKINRIDGE	GRAYSON	MEADE		3285	(39)	2	1
46	3255	# 15	CARROLL	GRANT	OWEN		2733	(51)	2	1
47	3174	# 49	ALLEN	SIMPSON			3397	(38)	1	1
48	3171	# 10	HART	LARUE	NELSON		3196	(45)	2	1
49	2999	# 12	HENRY	OLDHAM	TRIMBLE		3223	(42)	2	1
50	2903	# 53	ANDERSON	SHELBY	SPENCER		2876	(48)	2	1
51	2730	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2420	(52)	2	2
52	2714	# 50	BOYLE	MERCER			3176	(46)	2	0
53	2497	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2408	(54)	2	2
54	2449	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2411	(53)	2	3
55	2319	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2369	(55)	2	2
56	1804	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1714	(56)	2	2

MEDIAN PER JUDGE DISPOSITIONS = 4177

STATEWIDE MEAN (AVERAGE) = 4828